

Missing Middle Housing:  
Key Considerations for Seattle's Implementation of House Bill 1110

Quintin D. Jancola

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Committee:

Rachel Fyall

Joaquin Herranz Jr.

Gregg Colburn

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University of Washington

**Abstract**

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Quintin D. Jancola

Chairs of the Supervisory Committee:

Rachel Fyall

Public Policy & Governance

Joaquin Herranz Jr.

Urban Design & Planning, Public Policy & Governance

Seattle is experiencing a housing crisis. The city needs to build a substantial amount of housing in order to adequately meet the current and future housing needs of its residents. However, supply has not kept pace with demand, resulting in a severe housing shortage and affordability challenges. One significant reason for the inadequate supply of housing is Seattle's current zoning and development policies that favor low-density, high-cost single-family homes, while severely inhibiting affordable and middle housing types. In response, the Washington State Legislature introduced HB 1110 that allows the development of middle housing in cities across the state, including Seattle, on lots previously zoned exclusively for single-family homes.

Highlighting the inadequate supply of housing and the lack of diverse housing opportunities, this thesis examines zoning and land use reforms in Minneapolis, Portland, and Los Angeles and their implications for the development of middle housing. I find that eliminating single-family zoning by itself will not facilitate the development of middle housing types; other barriers and constraints exist that hinder middle housing development. I conclude by offering key considerations for the City of Seattle as it implements the requirements set by the State under HB 1110, including adopting standards beyond baseline requirements, creating flexible design standards, easing financial constraints, providing technical assistance, and streamlining permitting and development processes.

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## **EXECUTIVE SUMMARY**

On May 8, 2023, Washington State Governor, Jay Inslee signed House Bill 1110 into law.

The bill aims to address the unprecedented housing crisis that the state faces, including a shortage of available housing units and a lack of housing choices. HB 1110 facilitates middle housing development in single-family residential zoning districts in localities across the state with populations greater than 25,000 people. Seattle is impacted by this legislation and is required to allow up to four through six units, per single-family lot, depending on proximity to transit. Highlighting the inadequate supply of housing and the lack of diverse housing opportunities, this thesis examines zoning and land use reforms in Minneapolis, Portland, and Los Angeles and their implications for the development of middle housing. I find that eliminating single-family zoning by itself will not facilitate the development of middle housing types; other barriers and constraints exist that hinder middle housing development.

Across the nation, zoning reforms have proliferated at both the state and local levels, aiming to expand middle housing types in exclusive, single-family neighborhoods. The development of smaller, multi-unit buildings is expected to create modest increases in housing supply while expanding the choices available for households of varying incomes, sizes, and ages. Adopting and implementing various reforms, Minneapolis, Portland, and Los Angeles have relaxed restrictions in single-family zones that have historically prohibited middle housing types. The successes and failures of these zoning reforms provide an opportunity to identify the best strategies to facilitate middle housing development. By conducting a case study analysis on the reforms in Minneapolis, Portland, and Los Angeles, this thesis concludes with key considerations for Seattle's implementation of HB 1110:

1. Adopt standards that go beyond state baseline requirements and respond to local context. A one-size-fits-all strategy overlooks the unique challenges and opportunities of cities implementing zoning reforms. Expanding upon state requirements can maximize the number of middle housing units produced.
2. Create flexible design standards to facilitate middle housing production. Effective zoning reform implementation requires addressing stringent design standards that restrict middle housing development, including height, floor area requirements, and off-street parking minimums. Fostering flexibility can spur the development of middle housing.
3. Provide technical assistance and clear guidance to homeowners and developers. Significant changes to land use policies, zoning regulations, and design standards brings a great deal of uncertainty to developers and homeowners alike. Providing clarity and direction can increase stakeholder participation in developing middle housing types.
4. Streamline permitting and development processes to reduce barriers and costs. Extensive permitting processes and costly fees restrict housing development. Simplifying these processes can reduce unnecessary costs and barriers to facilitate middle housing development.
5. Ease financial constraints and expand government subsidies and incentives. The financial industry lacks appropriate funding sources for developing middle housing units. Working with lenders and providing subsidies and incentives can increase the financial feasibility of middle housing projects.

# 1. INTRODUCTION

Seattle is experiencing a housing crisis. The city needs to build a substantial amount of housing in order to adequately meet current and future housing needs. However, housing supply has not kept pace with demand, resulting in a severe housing shortage and increasing affordability challenges. Nearly 1 in 3 households (122,000 households) are spending more than 30% of their income on housing costs, while others have been priced out of the city entirely due to rising rents and home prices (Balk, 2022). The insufficient supply of housing also results in greater competition within the market, further exacerbating affordability challenges as households compete to secure available units. One significant reason for the inadequate supply of housing is Seattle's current zoning policies and development regulations that favor low-density, high-cost single-family homes, while severely inhibiting the development of affordable and middle housing. In the absence of diverse housing opportunities, low-to-moderate income households are increasingly driven out of the city, ensuring only high-income households have a place to live. Highlighting the inadequate supply of housing and the lack of diverse housing opportunities, this thesis examines zoning and land use reforms in Minneapolis, Portland, and Los Angeles and their implications for the development of middle housing.

Bolstered by neighborhoods, homeowners, and government entities, over a century of restrictive zoning policies have created cities throughout the United States where single-family homes are the dominant housing type. For example, 75 percent of residential land in localities across the nation are restricted exclusively for single-family homes (Badger & Bui, 2019). With the vast majority of land set aside for low-density, high-cost homes, jurisdictions face barriers to boosting the supply of housing and meeting the needs of households of all sizes, ages, and

incomes. In Washington and across the nation, state and local governments are addressing these challenges by adopting and implementing progressive zoning reforms aimed at disrupting “the stranglehold of single-family zoning” (Rosenthal, 2013). These reforms offer opportunities for boosting the supply of lower-cost, more affordable housing types, including facilitating the development of middle housing.

In January 2023, the Washington House of Representatives put forth a bipartisan bill in the legislative session aiming to address the state’s housing supply challenges. The bill, HB 1110, requires cities with populations greater than 25,000 people to permit the development of middle housing types on all lots zoned for single-family residential use. Seattle, specifically, is required to allow the development of up to four to six housing units, depending on proximity to public transit. With significant support from stakeholders across the state, HB 1110 passed through the legislature in April 2023 and was signed into law by Governor Jay Inslee in May 2023. The law is one of the most consequential laws the state has passed related to housing development and land use policy. While HB 1110 impacts cities statewide, this thesis focuses on the implications for the City of Seattle and relies on the following set of assumptions (Washington State Legislature, 2023a):

1. Under HB 1110, Seattle is required to adopt its own set of ordinances, regulations, and other controls that align with the bill or the model ordinance outlined in the bill would supersede all local regulations.
2. Under HB 1110, Seattle is required to allow for the development of up to four units on lots zoned for residential use, at least six units per lot on lots within one-quarter mile walking distance of a major transit stop, or at least six units per lot if at least two units are affordable housing units.

3. Under HB 1110, Seattle may not require off-street parking if within half a mile walking distance of a major transit stop, may not require more than one off-street parking space per unit on lots smaller than 6,000 square feet, and may not require more than two off-street parking spaces per unit on lots greater than 6,000 square feet.
4. Under HB 1110, Seattle must allow at least six of the nine middle housing types, including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.
5. Under HB 1110, Seattle may only adopt objective development and design standards that are no more restrictive than those required for single-family homes and may only apply administrative design review.

The purpose of this research is to explore zoning reforms in several major cities to identify the best practices for increasing middle housing supply. In particular, this thesis explores the following research question: What are the lessons that can be learned from zoning reforms implemented in Minneapolis, Portland, and Los Angeles, and how can they inform Seattle's implementation of House Bill 1110 to facilitate the development of middle housing types? As Seattle's population continues to grow and as demographics change, increasing housing supply and providing diverse housing opportunities to meet the needs of various households - aging populations, families with children, and young professionals - will become increasingly important. HB 1110 removes zoning restrictions to increase the production and supply of middle housing housing options that are more affordable to various income levels. This thesis concludes with key considerations for the City of Seattle as it implements the requirements set by the State under HB 1110.

## 2. BACKGROUND

Zoning regulations have had a significant impact on the development of cities and communities across the United States - determining where development occurred, what type of development was allowed, and who had access to high-opportunity neighborhoods and communities. The first comprehensive zoning ordinance in the United States originated in New York City in 1916, aspiring to control urban development by rationalizing the city's growth into segregated business, residential, and unrestricted zones (Fischler, 1998). It also required noxious industries that were emitting harmful pollutants to be developed away from residential communities. Despite offering many benefits, it quickly became apparent to zoning proponents that this law could be used to separate housing types by bulk and height restrictions, thereby segregating single-family homes and wealthy communities from multi-family homes and low-income communities (Whittemore, 2021). As low-income communities were disproportionately communities of color, the zoning ordinance was used as a tool to foster racial segregation. This soon led to the rise of single-family districts, giving wealthy property owners and developers a sense of security and control over the political process (Fischel, 2004). By 1926, Seattle and 67 other cities across the United States had implemented similar zoning ordinances (Fischel, 2004).

Prior to the mid-1940s, middle housing was commonly built in communities across the country including throughout Seattle neighborhoods. Offering a smaller-scale more affordable home, middle housing types emerged as communities across the nation experienced housing shortages due to an influx of immigrants and a lull in housing construction following World War I. However, decades later at the end of World War II, middle housing construction began to falter

as White, middle-class communities advocated for stringent land-use policies to protect their property values, maintain social exclusion, and protect neighborhood character. Consequently, exclusionary zoning policies became common practice, proliferating across the nation, segregating housing types, favoring detached single-family homes, and prohibiting middle housing types from being built. The following sections explore how zoning policies in Seattle have evolved throughout time to create an exclusive housing environment, the impacts of these policies on housing supply and diversity, and the growing consensus in favor of zoning and land use reform.

### **Historical Perspective: How Zoning Shaped Seattle’s Housing Environment**

Prior to zoning, the City of Seattle regulated development through a modest building code. The code was first published in 1909 and predominantly regulated building standards such as height and material use (Bertolet, 2023). Specifically, the code almost exclusively regulated fire and safety standards. This could be due to the Seattle Great Fire of 1889 that catastrophically enveloped the central business district (Eliason, 2018b). Ranging from Class A to Class G, the 1909 code outlined seven classifications for building standards. Class A buildings generally had more rigorous regulations surrounding material use, safety, and building standards, while Class G buildings had greater flexibility in these standards (Seattle City Council, 1909). Classes A, B, and C were larger buildings located in the Downtown area, while Classes D, E, and F were smaller-scale buildings that could be found in neighborhoods throughout Seattle. In addition, the 1909 code designated four overlay districts (Seattle City Council, 1909). Each of these districts placed restrictions on the building classes that could be constructed. The Downtown Core accommodated building classes A-C with more restrictive building standards and greater height

allowances (Seattle City Council, 1909). Districts extended outward from the Downtown Core and had greater flexibility in building restrictions but lower height allowances. This code remained in place until it was updated and revised in 1917. Releasing a new handbook, Seattle's 1917 code provided revised building ordinances (Seattle City Council, 1917). It also modified the boundaries of districts and consolidated the building classes from seven to four, identifying them as frame buildings, ordinary masonry, mill, or fireproof (for example, see Appendix A) (Seattle City Council, 1917).

Seattle adopted its first zoning ordinance in 1923 (Seattle City Council, 1923). The ordinance regulated buildings by height, size, and use, creating overlay districts to determine building specifications (for example, see Appendix A). In particular, the ordinance included five height districts and four area districts, each of which established maximum allowable heights and lot coverages. The city was also divided into six use districts, including first residence, second residence, business, commercial, manufacturing, and industrial (Seattle City Council, 1923). The first and second residence designations were the primary districts for housing. The first residence districts permitted single-family homes and other uses such as schools, churches, parks, art galleries, libraries, conservatories, and railroad stations (Seattle City Council, 1923). Second residence districts allowed all uses permitted in the first district along with multi-family dwelling types including flats, apartments, boarding houses, lodging houses, and hotels (Seattle City Council, 1923). Notably, many areas within Seattle neighborhoods were zoned as second residence districts, permitting the construction of middle housing types with many examples existing in neighborhoods across the city today (City Planning Commission, n.d.). However, many of the communities that once accommodated middle housing types were eventually downzoned, making middle housing illegal to build throughout Seattle.

Three years after Seattle adopted its first zoning ordinance, the Standard State Zoning Enabling Act of 1926 established the legal framework for governments across the nation to regulate land use (Quigley & Rosenthal, 2005). This act granted police power to states, provided the legislature the ability to divide land-use into districts, required the formation of a zoning commission, and established procedures for making amendments to zoning regulations ((*Advisory Committee on Zoning, 1926*). The U.S. Supreme Court further cemented the validity of zoning in *Euclid v. Ambler (1926)*, entrenching single-family zoning in land-use planning and granting governments the ability to exercise police powers over the separation of land uses (Fischler 1998). Subsequently, the Standard City Planning Enabling Act of 1928 shifted decision-making authority to local jurisdictions (Advisory Committee on City Planning & Zoning, 1928). Local governments were thus given the power to determine land-use restrictions based on their own population needs or motives. This effectively granted cities the autonomy to make their own zoning decisions at the expense of a coordinated statewide approach to land-use planning that takes into consideration overall population growth and demographic changes.

Federal intervention ramped up in the 1930s to address the precarious economic conditions during the Great Depression, offering assistance to borrowers, fostering homeownership opportunities, and stimulating housing construction. The 1933 Home Owners' Loan Corporation (HOLC), the 1934 Federal Housing Administration (FHA), and the 1938 Federal National Mortgage Association (Fannie Mae) were established to aid struggling borrowers and promote homeownership through favorable financing (Rial, 2021). These agencies effectively reduced monthly housing costs while increasing the ability for Americans to become homeowners. However, exclusionary practices like redlining ensured that these policies largely served White middle-class communities, while denying assistance and limiting access to

homeownership opportunities for communities of color. Seattle's own history of redlining contributed to maintaining patterns of racial segregation by denying mortgages to Black households in the Central District while granting White, middle class communities the benefits of homeownership (Honig, 2021).

The Post-World War II era was characterized by the movement of Americans from inner cities into suburban areas, leading to the large-scale production of single-family homes. Land use patterns began to shift with the expansion of homeownership opportunities and mobility options. For example, the passage of the G.I. Bill prompted the FHA to guarantee generous home loans to returning veterans (von Hoffman, 2012). With low-interest mortgages and minimal-to-no down-payment requirements, access to homeownership grew and developers responded by building more homes. Additionally, mobility increased as freeways were built and automobile production surged. In particular, the federal government passed the Highway Act of 1956, building over 41,000 miles of freeways, including Interstate Highway 5 through Seattle (Weingroff, n.d.). The capacity for Americans to get around more freely led to growth outside the central city. To illustrate, Seattle's median residential distance expanded from a 1.6 mile radius in 1900 to a 4.43 mile radius by 1950 (Meier & Skelton, n.d.). With greater mobility and access to low-interest mortgage financing, single-family home construction boomed in suburban communities.

Seattle amended its 1923 zoning code periodically up until the 1950's. Around this time, a growing desire to maintain neighborhood exclusion led to significant changes in zoning regulations. In Seattle's 1947 comprehensive plan, the second residence designation was split into two classes: two family districts and second residence districts (for example, see Appendix A) (Seattle City Council, 1947). The new two family district reduced housing types to either

single-family homes or duplexes. This effectively resulted in downzoning large swaths of land that were originally open to a variety of middle housing types and larger multi-family buildings (Eliason, 2018a). A decade later, Seattle overhauled its zoning regulations with its 1957 comprehensive plan. The updated plan segregated single-family and multi-family housing into graduated zoning districts with low, medium, and high densities (for example, see Appendix A) (Eliason, 2018a). This overhaul was motivated by Seattle homeowners who were concerned about nearby renters causing their property values to decline (Cohen, 2018). The City removed the second residence designation while creating three types of single-family zones with varying lot sizes and building restrictions (Cohen, 2018). By removing the second residence designation, single-family homes and multi-family housing were unable to coexist in communities unless already established. Seattle was divided into strict single-family or multi-family zones and middle housing construction dwindled while single-family housing would go on to become the dominant housing typology in Seattle.

Increasing reliance on automobiles led to a decline in public transit. The average number of vehicles per household grew to 1.25 by 1950 (Meier & Skelton, n.d.). With greater automobile use, parking requirements influenced public conversation in the 1970s and 1980s, leading to the inclusion of parking mandates in city plans that ramped up in the 1990s (Eliason, 2018b). For example, the city's 1995 code dedicated eight pages to parking requirements across all building types including residential and business types (Seattle City Council, 1995). Notably, new single-family homes were required to provide one parking space per dwelling unit, while multi-family buildings were required to provide between 1.1 through 2 spaces depending on the number of units within the building and the number of three-bedroom units (Seattle City

Council, 1995). Parking provisions further exacerbated exclusionary zoning by creating more barriers for the design, siting, and density of multi-family buildings (Meier & Skelton, n.d.).

Seattle adopted its signature urban village strategy in the 1990s, guiding the city's growth into small pockets of land in certain neighborhoods throughout the city. By focusing growth in these select neighborhoods, the City intended to promote walkable neighborhoods, efficiently provide public transit, strengthen business districts, and support climate mitigation efforts (PolicyLink, 2021). The urban village strategy effectively concentrated the development of multi-family housing types, particularly large apartment complexes, while leaving single-family zoning virtually untouched. While Seattle legalized ADUs in single-family zones in 1994 and later permitted DADUs in 2009, several challenges including cost, permitting, and financing meant that only a meager 682 ADUs were built between 1995 and 2016 (Cohen, 2019). Meanwhile, 83 percent of new home construction has been erected in urban villages since 1994 (Ionescu, 2022). Between 2010 and 2018, only five percent of new housing was constructed in single-family zones (Cohen, 2019).

In short, Seattle went from supporting a diverse range of housing types throughout the city in the early 1900s to outlawing multi-family housing types in most areas by the end of the century. Zoning regulations and other land use policies created a city where over 75% of residential land is reserved for single-family homes while multi-family housing types, especially middle housing types, continue to be prohibited across the city to this day (Trumm, 2021). The consequences of these policies are well-documented and extensively debated within planning, policy, and housing research. The following section explores the impacts of zoning on housing supply, diversity, and access.

## **The Impact of Zoning on Housing Supply, Diversity, and Access**

Zoning regulations implemented in the 20th century continue to have profound impacts on Seattle communities and housing production today. By placing restrictions on the types of housing units that can be built in a particular community, exclusionary zoning has long favored the quintessential American detached single-family home while limiting multi-family housing types. Common examples of exclusionary zoning include minimum lot size requirements, minimum square footage requirements, building height limitations, parking requirements, and low-density zoning (Stegman, 2019). By design, these policies contribute to creating restrictive housing markets that only the wealthy and most privileged can participate and compete within (Callies and Simon, 2017). Zoning regulations implemented in Seattle and throughout the nation in the 20th century continue to prohibit the construction of anything but high-cost, detached single-family homes or large apartment complexes that do not adequately meet the needs of diverse households with varying needs.

The literature shows that exclusionary zoning policies have national implications on housing supply. In a study of 44 Metropolitan Statistical Areas, Mayer and Somerville (2000) find that land use regulations have a negative impact on new housing construction. Glaeser et al. (2005) present evidence that regulation is constraining housing construction and supply in markets across the country. By limiting the number of housing units built on a plot of land to one unit, exclusionary zoning policies effectively reduce housing production and restrict housing supply. In a study of California cities, Jackson (2016) finds that land use regulations, particularly zoning regulations, significantly reduce residential development by restricting construction. Chakraborty et al. (2010) also find that exclusionary zoning policies reduce multifamily housing construction below market determined levels resulting in limited supply. The range of

exclusionary policies shows the breadth of the issue. Glaeser and Ward (2009) find that a one acre increase in minimum lot size requirements in Boston leads to a reduction in new construction by nearly 40 percent. Likewise, Nelson (2012) underscores the prominence of large lots (which accounted for 40% of the total U.S. housing lot supply in 2009) and their role in creating a shortage of smaller lots for affordable housing. Because exclusionary zoning restricts housing construction to largely single-family homes, housing options that meet the needs of diverse households are limited.

In addition to restricting housing supply, exclusionary zoning policies contribute to a reduction in housing diversity. Restrictions placed on housing density in localities across the country limit the types of housing available and preclude the development of anything but single-family homes (Kahlenberg, 2017). In most U.S. cities, three-fourths of residential land is zoned exclusively for detached single-family homes, making it illegal to build multifamily housing types (Badger & Bui, 2019). Seattle in particular has over 75% of residential land restricted for single-family housing, significantly limiting development opportunities for middle housing types that are typically more affordable for low-to-moderate-income households (PolicyLink, 2021). In a study conducted by Knaap et al. (2007), evidence is provided that exclusionary zoning policies are a significant barrier to multifamily housing development. Aurand (2010) also provides evidence that neighborhoods consisting exclusively of single-family homes have less affordable rental units than neighborhoods of higher density and more housing types. Due to the high-cost of single-family homes and their dominance in the housing market, low-to-moderate income households increasingly struggle to find affordable housing that meets their basic needs.

Exclusionary zoning policies have a long history of restricting access to housing in the United States. Traditionally, exclusionary zoning has kept low-income people, disproportionately people of color, from living in high-opportunity neighborhoods with access to quality education, better job opportunities, improved health outcomes, and greater social mobility (Rigsby, 2016). Yet, the exclusionary impacts have expanded beyond low-income households and are increasingly burdening middle-class families and individuals. In Seattle and across Washington State, the housing shortage has barred middle-class households from accessing housing that meet their needs. Consequently, low-to-moderate-income households are increasingly driven out of the city as they are unable to obtain housing due to high costs. Researchers have extensively documented the relationship between exclusionary zoning and housing access. Troustine (2020a) provides evidence that exclusionary zoning produces segregation, separating neighborhoods by race and economic status. Papke (2009) discusses the role exclusionary zoning policies, including large-lot requirements that create expensive single-family homes, have played in creating barriers that prevent underclass minority households from accessing quality, high-opportunity neighborhoods, especially suburban communities. Additionally, Rothstein (2017) outlines the role exclusionary zoning policies play in preventing lower-income and middle-class households from living in affluent neighborhoods due to lack of multifamily housing options and expensive large-lot homes – contributing to maintaining patterns of segregation. With a history of exclusion and documented constraints on housing, there has been a growing consensus to reform zoning and land use policies to address historical inequities and combat housing challenges.

## **Increasing Calls for Zoning Reform**

Opposition to zoning reform has certainly been infused within local politics across the nation. Seattle is no exception. Homeowners and neighborhood associations have historically opposed zoning changes that would accommodate diverse housing types and increase density within single-family neighborhoods. In a survey conducted in 2022, Lo et al. (2023) found that primarily wealthy, white, male homeowners were the dominant participants in land use hearings related to the passing of land use reforms. Troustine (2020b) also highlights participants' arguments are based on the beliefs that land use reforms would lead to a reduction in property values, increasing crime, reduction in school quality, and altering of neighborhood character. Consequently, cities have maintained zoning laws in single-family neighborhoods that effectively exclude anything but single-family homes, while increasing density and expanding housing diversity in multi-family zones almost exclusively. With powerful interest groups overshadowing the need for diverse housing types, many local governments remained hesitant to reform single-family zoning for fear of political repercussions. That is until recently.

As cities across the country grapple with severe housing shortages and resulting affordability challenges, there is growing consensus that eliminating restrictive barriers to housing production are imperative to ensuring the overall sustainability, affordability, and diversity of housing stock across the nation (Schleicher, 2021). This has led local and state decisionmakers to pursue comprehensive reforms to zoning, land use, and building codes in areas traditionally dedicated to single-family detached homes, increasing the allowable building density in these zones (Flint, 2022). This is equally true for the State of Washington. The city of Spokane, Walla Walla, Olympia, and Seattle have pursued various zoning reforms to address housing supply shortages and the ever-increasing affordability crisis. The city of Spokane

adopted an interim package of zoning reforms in July 2022, including allowing up to four units per lot on single-family lots, reducing parking requirements, and modifying minimum lot size requirements to be less restrictive (Gill, 2022). In 2018, Walla Walla adopted zoning changes that removed the single-family zoning designation and replaced it with a new designation known as the “Neighborhood Residential” zone (Fesler, 2021). This zone increases flexibility and accommodates a variety of housing types from single-family homes up to fourplexes, legalizing opportunities for diverse housing types across the city. Similarly, in 2020, the Olympia City Council passed a package of amendments to its zoning and building codes to allow greater flexibility within single-family zones by increasing allowable density and removing or loosening parking, size, and height restrictions, legalizing duplexes, triplexes, and fourplexes in a majority of the city (Brasuell, 2020).

Nationally, cities are adopting ordinances to make housing easier to build by eliminating or reducing the restrictiveness of exclusionary zoning policies. In 2018, the Minneapolis City Council approved the city’s comprehensive plan, Minneapolis 2040, outlining the elimination of single-family zoning across the city to be implemented in 2020 (Fox, 2022). Minneapolis now accommodates duplexes and triplexes on lots that were previously zoned exclusively as single-family residential, allowing greater flexibility and housing diversity within neighborhoods. Similarly, the state of Oregon passed legislation in 2019 that required cities with populations greater than 10,000 people to accommodate duplexes in areas zoned for single-family housing (Wamsley, 2019). Portland’s City Council went further and voted in 2020 to allow up to four units on all residential lots or six units if affordability measures are implemented with some of the units (Next City, 2020). Meanwhile, in 2021, Governor Newsom of California signed SB 9 that would increase the number of housing units allowed on land zoned

for single-family residential use in urban areas statewide by giving homeowners the right to divide their lots into two and build up to three additional housing units (*Senate Bill 9*, 2021). Many cities including Los Angeles opted to adopt the statewide model ordinance rather than implement their own set of regulations.

Local municipalities and major cities across the country are beginning to concede that changes to zoning and land use policies are necessary to address the ongoing housing challenges. This thesis examines zoning reforms in Minneapolis, Portland, and Los Angeles to explore the key considerations for implementing HB 1110 and expanding housing supply and diversity in Seattle.

### **3. METHODS**

Given local and state interest in zoning reform, this thesis analyzes previous zoning reforms across the nation and their impact on housing supply and diversity outcomes. In particular, I use case studies to guide my analysis. Specifically, I identified three major cities that represent zoning reform initiatives with varying strategies and outcomes. The following cities are part of this study:

1. Minneapolis, MN - The first major U.S. city to eliminate single-family zoning in 2018 by accommodating duplexes and triplexes on all residential land previously zoned for single-family housing only.
2. Portland, OR - The City implemented its Residential Infill Project (RIP) in 2020 which allows the development of up to four units on all lots previously zoned for single-family housing only. RIP also removed parking requirements for all new homes.

3. Los Angeles, CA - The State of California passed SB 9 in 2021, a bill which eliminates single-family zoning across the state and allows a lot to be split into two and accommodate two units on each lot. The City did not implement its own set of policies or regulations and instead adopted the statewide model ordinance.

I collected and reviewed reports, permitting data, planning documents, housing and demographic data, literature, and local media articles to understand the context and overall effectiveness of zoning reforms in each city. Specifically, I scanned 136 articles from local and national media sources and read 33 peer-reviewed journal articles. I also closely analyzed 32 articles, policy briefings, and reports from professional research institutions, including the Harvard Joint Center for Housing Studies, U.C. Berkeley Turner Center for Housing Innovation, Lincoln Institute of Land Policy, Urban Institute, Brookings Institution, and Sightline Institute. Additionally, I scanned through a series of city documents, including zoning codes, local ordinances, comprehensive plans, housing reports, memos, community engagement plans, concept reports, and policy briefings. Finally, I reviewed a set of online webpages, dashboards, storyboards, and databases. With all of these sources, I used the following framework to analyze each case study:

1. Context - The background and context in which the zoning reform took place, including factors such as demographics, existing zoning regulations, and political climate.
2. Stakeholder Engagement - The level of engagement with stakeholders in the zoning reform process, including who was involved (and not involved) and the extent of the engagement process.
3. Goals & Objectives - The goals and objectives of the zoning reform, including whether they were achieved or are meeting expectations.

4. Policy Design & Implementation - The policy design of the zoning reform and its implementation framework, including tradeoffs and opportunities.
5. Short-term Housing Impacts and Current Outlook - The short-term impact of the zoning reform on housing supply and diversity and the current outlook for the City's reform.

The implications for Seattle and the effectiveness of each zoning reform will be analyzed in the discussion section of this thesis. Additionally, further research opportunities will also be highlighted in the discussion section.

## **4. CASE STUDIES**

### **Minneapolis, MN**

Minneapolis became the first major city in the nation to eliminate single-family zoning in 2018, going into effect at the beginning of 2020. The Minneapolis City Council approved the city's newest Comprehensive Plan, *Minneapolis 2040*, outlining a strategy to remove the city's single-family zoning designation, expand the supply of housing, and increase housing choice throughout Minneapolis neighborhoods. Among the many ambitious plans outlined in the document, the City led with several key goals that were identified through an extensive community engagement process. The goals include eliminating disparities, creating affordable and accessible housing, and developing complete neighborhoods with access to essential services and basic needs (City of Minneapolis, 2019). Minneapolis officials went forward with several progressive strategies to meet these goals; the most controversial action being eliminating single-family zoning citywide to remove restrictions and increase the range of housing types

accommodated in communities. In an almost unanimous vote, the City Council voted to upzone the city to allow greater density on lots traditionally reserved for single-family homes, legalizing the construction of duplexes and triplexes throughout Minneapolis. This is expected to incrementally increase housing density and expand small-scale, more affordable middle housing opportunities, while also addressing a growing population, racial disparities, and affordability challenges.

## **Context**

Several trends prompted the elimination of single-family zoning in Minneapolis, including a growing population and an increasing housing shortage. The population of Minneapolis is growing at an unprecedented rate. Between 2010 and 2020, the city grew by 12.4 percent to a population of nearly 430,000 people (Metropolitan Council, 2021). The trend is expected to continue in the next two decades. In particular, the greater Minneapolis-St. Paul metro region is projected to grow by 19.4 percent between 2020 and 2040, increasing the population to nearly 3.7 million (McCormick, 2020). Although Minneapolis and the region have been increasing in population, housing supply has not kept pace with demand. The region, like most major cities in the nation, is experiencing a significant housing shortage.

Between 2010 and 2018, the Minneapolis-St. Paul metro area built 64,000 new homes while the number of households increased by 84,000 (Lee, 2018). This shortage is compounded by the housing deficit the city was already facing. In order to meet current and future housing needs, the region needs to drastically increase its annual housing supply to keep pace. For example, the region will need to construct more than 14,000 housing units per year by 2040 in order to meet demand (McCormick, 2020). At the same time, the city also needs to expand

housing choice to meet the needs of low-income and extremely low-income households.

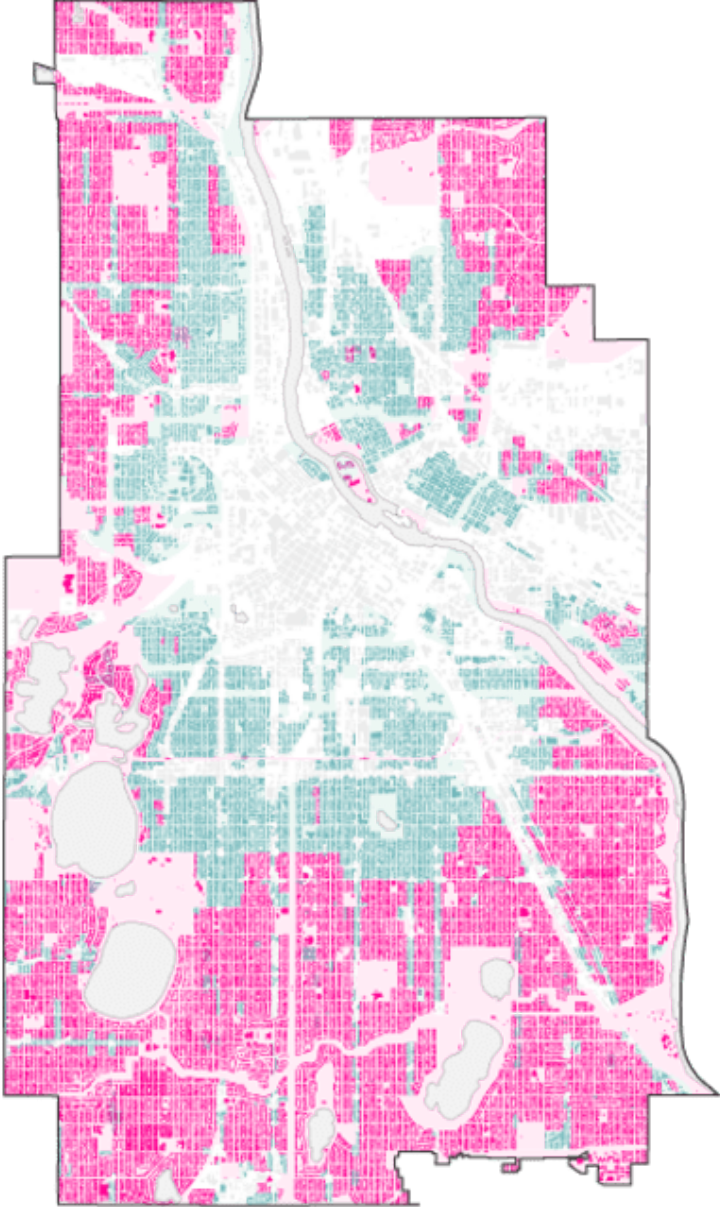
Low-income households are already at a disadvantage as the city has lost a significant amount of affordable units over time. Since 2000, Minneapolis has lost nearly 15,000 housing units that were once available and affordable to households earning 50 percent of the area median income (City of Minneapolis, 2019). For extremely low income residents, the Minneapolis Metropolitan area faces a 65,000 unit deficit (Aurand et al., 2023). With growing shortfalls, the city pushed for progressive zoning reforms to address a dwindling housing supply and the associated affordability challenges.

High demand for housing coupled with a shortage of available units has led to considerable affordability challenges for Minneapolis. Nearly 1 out of every 2 rental households and 1 out of every 4 owner-occupied households are cost burdened (City of Minneapolis, 2019). With a lack of housing options, Minneapolis residents are forced to consume housing that is unaffordable at their income level. In addition, racial disparities in housing have also placed a greater burden on households of color. Over 50 percent of Black households and 45 percent of American Indian and Hispanic households are cost-burdened (City of Minneapolis, 2019). In comparison, a significantly smaller percentage (33 percent) of White households are cost-burdened (City of Minneapolis, 2019). Additionally, the homeownership gap between White and Black households has increased in the past two decades. The Urban Institute found that the gap between Black and White owner-occupied households has widened by 10 percent since 2000 in the counties that represent Minneapolis and St. Paul (Freemark et al., 2021). Minneapolis is notorious for having one of the largest racial homeownership gaps in the nation. As of 2019, only 20% of Black households living in the city owned their homes compared to 78% of White households (APM Research Lab, 2019). The contrast is indicative of a history of exclusionary

and discriminatory policies. For instance, the Mapping Prejudice project at the University of Minnesota illustrated the disparities in housing by identifying and mapping racial covenants in Minneapolis and Hennepin County. The project uncovered over 32,000 property deeds with racially-restrictive language dating as far back as 1910 (University of Minnesota, n.d.). Although Minneapolis was the first major city in the nation to adopt a fair housing ordinance, residential segregation continues to persist (McCormick, 2020). Exclusionary zoning policies in Minneapolis continue to restrict affordable housing types that meet the needs of low-income households who are disproportionately people of color. With a majority of land set aside for high-cost, single-family homes, the City faces a housing crisis and increasing affordability challenges.

Prior to the comprehensive zoning reforms, Minneapolis was zoned almost exclusively for single-family homes. Figure 1 illustrates how the vast majority of residential land in the city was zoned exclusively for single-family homes in 2019. Over 70 percent of residential land and 50 percent of total land supply in the city were reserved for that singular housing type prior to Minneapolis 2040 (Badger & Bui, 2019). This created challenges for the City to increase housing supply and meet the needs of a diverse population. Although the majority of residential land was set aside for single-family homes, less than 150 housing units were permitted per year between 2011 and 2020 for detached single-family homes (Metropolitan Council, 2021). Only 1,115 permits over that ten year period were issued (Metropolitan Council, 2021). In comparison, multifamily housing units were permitted at exponentially higher rates. Over 26,000 multifamily housing units, with five or more units, were permitted between 2011 and 2020 (Metropolitan Council, 2021). During the same time period, small-scale middle housing types only accounted for a very modest portion of new homes built. Specifically, only 147 duplexes, triplexes, and

fourplexes were permitted (Metropolitan Council, 2021). With a growing population and dwindling land supply, the City explored land use reforms to reduce exclusionary zoning policies and increase overall housing supply and diversity.



Residential land zoned for: ■ detached single-family homes ■ other housing

**Figure 1: Residential Land Zoned for Detached Single-Family Homes, Minneapolis, MN**

Source: The New York Times (2019)

## **Stakeholder Engagement**

Inclusive community engagement was the cornerstone for the adoption and implementation of major land use reform in Minneapolis. The City provided an extensive stakeholder engagement process, encompassing a stretch of five years, 200 meetings, and over 18,000 public comments (McCormick, 2020). Unprecedented for Minneapolis, the scope and reach of the engagement process ensured that a large pool of stakeholders representing diverse backgrounds and experiences were reached. Appendix B includes a list of the key stakeholders the City identified as important to meeting the goals and objectives of Minneapolis 2040. Stakeholders were engaged through an array of public workshops, community dialogues, creative-industry driven events, and virtual engagement opportunities were used to connect with community members (City of Minneapolis, 2016). The City also used innovative tactics to connect with people going about their everyday business. These tactics included attending festivals and programs, hopping on public transit to speak with people, and relying on visual representations over professional jargon (McCormick, 2020). Acknowledging that marginalized groups have often been underrepresented in civic processes, the City also intentionally designed engagement opportunities to connect with these communities. For example, the City partnered with community groups to host meetings in accessible locations, providing food and refreshments, offering childcare, and presenting material in accessible formats (City of Minneapolis, 2016). These methods placed the community at the center of the engagement process to create a vision for the future that was inclusive of the people living in Minneapolis.

Critical to the engagement process, education was used to build awareness of racial and socioeconomic disparities to support zoning reform. The City partnered with the University of Minnesota's Mapping Prejudice project team to participate in dialogue and present their findings

while relaying information about exclusionary zoning policies and historical discriminatory practices (McCormick, 2020). In addition, Neighbors for More Neighbors, a nonprofit organization, facilitated outreach efforts by helping community members attend meetings and stay engaged throughout the entirety of the process (Kahlenberg, 2019). Aligning with the national YIMBY movement, Neighbors for More Neighbors also partnered with other activists, organizations, and civil groups to form a socioeconomically and racially diverse coalition to advocate for zoning reform and advance equitable housing opportunities (Kahlenberg, 2019).

## **Goals & Objectives**

With feedback from the public, the City Council adopted a series of goals to guide future land use and development. Facing a housing crisis and racial disparities, the public identified and placed eliminating disparities and expanding affordable and accessible housing opportunities high on the priority list (City of Minneapolis, 2019). These guiding goals led the City to pursue progressive zoning and land use reforms to achieve the ambitious goals outlined in Minneapolis 2040. In total, 14 goals were identified and 100 policies were created to guide the future of land use and development (City of Minneapolis, 2019).

Through zoning reform, the City aims to legalize and promote a range of housing types that can support the needs of current and future households. Specifically, zoning regulations were modified to facilitate middle housing production, transit-oriented development, and the creation of mixed-use communities (City of Minneapolis, 2019). By removing regulatory barriers, opportunities are created for housing supply to keep pace with demand to address the shortage of available units. With a mix of housing types at various price points, households of all income levels, sizes, and ages are able to find housing that meets their needs.

Minneapolis also aspires to foster equitable outcomes that undo historical disparities in housing and access to opportunity. With more inclusive zoning policies, Minneapolis has the potential to ensure that the City is a place for everyone. By developing a range of housing types in neighborhoods throughout the city, low-income communities and communities of color have greater access to communities of opportunity.

### **Policy Design & Implementation**

Minneapolis 2040 went into effect at the beginning of 2020, aiming to eliminate racial disparities and expand access to housing opportunities. The City updated its zoning regulations to reflect these priorities by effectively eliminating single-family zoning across the city to allow for the development of up to three units in low-density zones (Minneapolis City Council, 2019). Appendix B provides a summary of the new zoning rules the City implemented under Minneapolis 2040. Although Minneapolis allows more units in single-family zones, the City did not make significant changes to building standards that would help facilitate the development of duplexes and triplexes. For example, the amended standards only allow for modest increases in building sizes, generally requiring duplexes and triplexes to fit within the same building envelope as single-family homes. Duplexes and triplexes are subject to the same height and floor area (FAR) requirements, yard and setback requirements, and lot size requirements with exceptions allowed on a project-by-project basis. These standards restrict middle housing construction substantially.

In addition to reforming single-family residence districts, the City adopted a package of accompanying housing reforms. The policies include increasing housing density near transit, eliminating off-street parking requirements, mandatory inclusionary zoning, and increased

funding for affordable housing (Kahlenberg, 2019). Each of these policies were intentionally designed to facilitate housing development at all scales in neighborhoods throughout Minneapolis. For example, the first policy legalizes larger three-to-six story housing complexes along transit corridors throughout the city (Lee, 2019). This would effectively expand housing choice while aligning housing development with environmental objectives. With a greater focus on transit-oriented development, the City is expected to maximize affordable housing opportunities and reduce greenhouse gas emissions, lower transportation costs, and promote housing diversity (City of Minneapolis, 2019).

The second policy eliminated off-street parking minimums and reduced parking maximums. By doing so, Minneapolis became the fourth major city in the nation to abolish off-street parking requirements (Capps, 2018). The goal of this reform was to prioritize vibrant, walkable communities while offering a multitude of social benefits. Specifically, removing parking requirements is expected to reduce housing costs, incentivize public transit use, increase efficiency of land-use, foster urban design best practices, reduce City costs, and provide regulatory relief for businesses (City of Minneapolis, 2019). Removing parking restrictions is particularly important as Minneapolis aims to expand duplex and triplex construction.

Off-streetering parking adds exorbitant costs to new home development and creates significant barriers to developing multi-unit buildings.

The third policy outlines a mandatory inclusionary housing framework where developers are required to set aside a percentage of new housing units for affordable housing (Sitati & Berc, 2018). The mandate is similar to what Seattle and other cities have implemented to ensure affordable housing is being built in communities. The Minneapolis policy requires developers to choose from several options when submitting applications for residential projects with 20 or

more units. They can provide 8% of units affordable at or below 60% AMI with no financial assistance from the City, provide 4% of units at or below 30% with no financial assistance from the city, or provide 20% of units at or below 50% AMI and receive financial assistance from the City (Minneapolis City Council, 2019b). Alternatively, developers may pursue other options that don't require affordable units be placed within the building. They may pay an in-lieu fee, develop additional units offsite that meet the affordability requirements, or donate land to the City (Minneapolis City Council, 2019b). The policy is expected to increase housing affordability and expand mixed-income communities across the city.

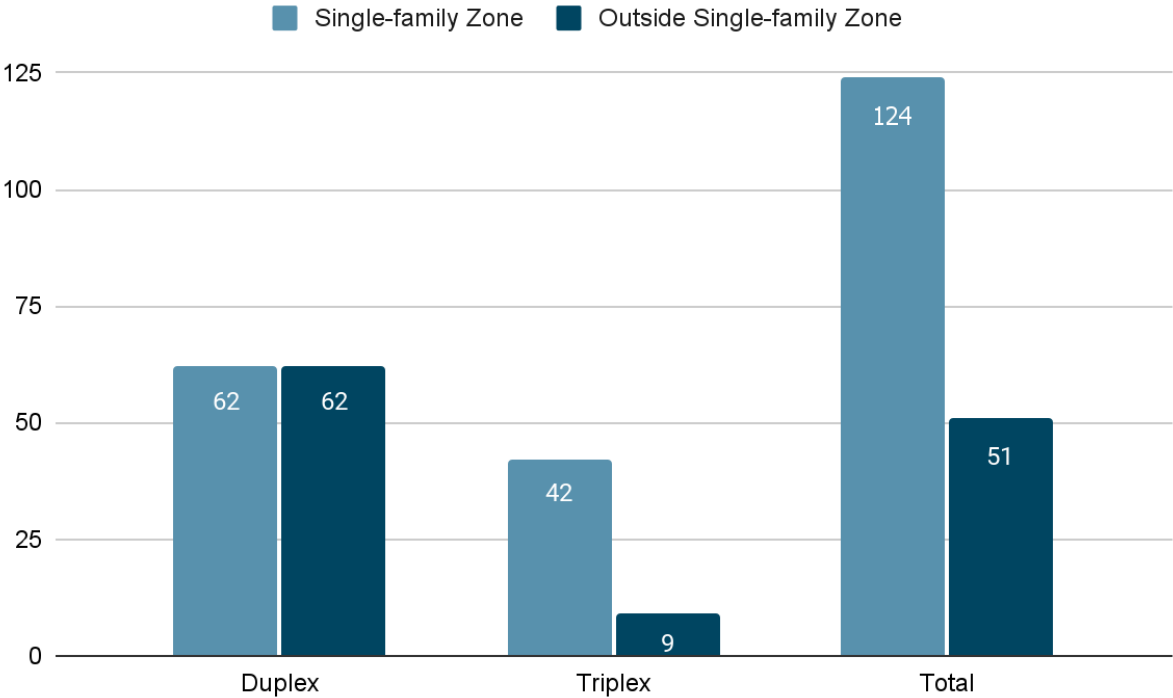
The fourth and final policy included increased funding for affordable housing initiatives. The City designated \$40 million to provide immediate support for low-income renters and combat homelessness (Sisson, 2018). The investment represents a significant increase from the \$15 million typically earmarked each year. Support provided by this unprecedented investment included legal services and tax incentives to stabilize rents for tenants (Lee, 2018).

In addition to the package of housing policies, Minneapolis introduced its Missing Middle Housing Pilot program to encourage the production of affordable rental units. The program aims to build smaller residential housing projects between two and twenty units. To be eligible, developers must provide 20 percent of units available to households earning below 50 percent AMI for 30 years (City of Minneapolis, n.d.). For example, in 2020, a household of four would need to earn equal to or less than \$51,700 to qualify (NeighborWorks Home Partners, n.d.). The pilot program included gap financing provided by the City. The financing was structured as a 0% interest loan for 30 years and could include up to \$70,000 per affordable unit or \$95,000 on a case-by-case basis (City of Minneapolis, n.d.). Minneapolis funded the program

with \$500,000 and has since discontinued operations. Though the program has not received additional funds, it was successful and received significant buy-in from developers.

### Short-term Housing Impacts & Current Outlook

Minneapolis implemented zoning reforms in January 2020 as Minneapolis 2040 went into effect. The city has experienced very modest success since implementation. For example, the City permitted 175 new middle housing units between January 2020 and March 2022 (Britschgi, 2022). The total number of buildings permitted includes 62 duplexes and 17 triplexes with nearly 60 percent of new units built on land previously zoned exclusively for single-family homes (Britschgi, 2022). Figure 2 illustrates the breakdown in middle housing units permitted.



**Figure 2: Middle Housing Units Permitted in Minneapolis by Type, Jan 2020 - March 2022**

Source: City of Minneapolis, Department of Community Planning & Economic Development

Although the majority of new middle housing units were built on single-family lots, the outcomes are less than ideal for a city where 70 percent of residential land was previously zoned for single-family-only dwellings. To put this into perspective, the City permitted approximately 9,000 housing units in the same time period from January 2020 through March 2022 (Britschgi, 2022). Therefore, the total number of duplexes and triplexes permitted represented just over one percent (1.2 percent) of total housing units permitted.

The low number of middle housing units built is most likely due to additional zoning and land use policies that create barriers for developers. While the City effectively increased the number of units able to be built on former single-family lots, officials did not modify design standards to accommodate multiple units. Specifically, height and floor area ratio requirements remain in place and limit the capacity for developers to create multi-unit buildings (Lee, 2022). New middle housing units are held to the same standards as single-family dwellings, requiring new units to fit within the same building envelope as single-family homes. Some developers have voiced that “small-scale multifamily [housing] is the least profitable form of housing to build” (Lee, 2022). Unless Minneapolis makes additional changes to its design standards, middle housing development is likely to remain infeasible to build.

Since 2021, Minneapolis has been undergoing an extensive Land Use Rezoning Study (Bernard et al., 2022). The study aims to better align Minneapolis zoning regulations with the city’s comprehensive plan. The City Council is expected to adopt the proposed amendments in Summer 2023. At the same time, the City of Minneapolis has been dealing with a significant lawsuit that was filed in 2018. The coalition, Smart Growth Minneapolis, filed suit against the Minneapolis 2040 Comprehensive Plan, citing environmental concerns around the plan’s increased residential density (Schieferdecker, 2023). The plaintiffs argue that increasing density

in single-family zones would cause environmental damage and the city needs to conduct an environmental impact review as required under the Minnesota Environmental Rights Act (MERA). In June 2022, Minneapolis was ordered to cease all action on the comprehensive plan. However, the ruling was reversed in July 2022 by another court to allow the city to continue working toward its comprehensive plan goals. Currently, the case remains in the hands of the judicial system for further deliberation.

## **Portland, OR**

Oregon garnered national attention in 2019 for becoming the first state in the country to pass legislation that eliminates single-family-only zoning in cities across the state (Mapes, 2019). The law, House Bill 2001 (HB 2001), requires the Portland metropolitan area and cities across the state with populations greater than 10,000 people to legalize missing middle housing types in exclusive single-family residence districts (Mapes, 2019). The City of Portland went further than the State's requirements and adopted the Residential Infill Project (RIP) in 2020, implementing zoning and policy changes in 2021. RIP included comprehensive zoning and land use reforms to increase housing choice in neighborhoods throughout Portland by re-legalizing middle housing types in single-family neighborhoods. In 2022, Portland adopted the Residential Infill Project Part 2, colloquially known as RIP2, making amendments to meet State requirements under HB 2001 and accommodate larger middle housing types (City of Portland, 2020b). City officials expect that the Residential Infill Project will allow modest increases in housing supply in lower-density zones while providing more housing options affordable to moderate-income households.

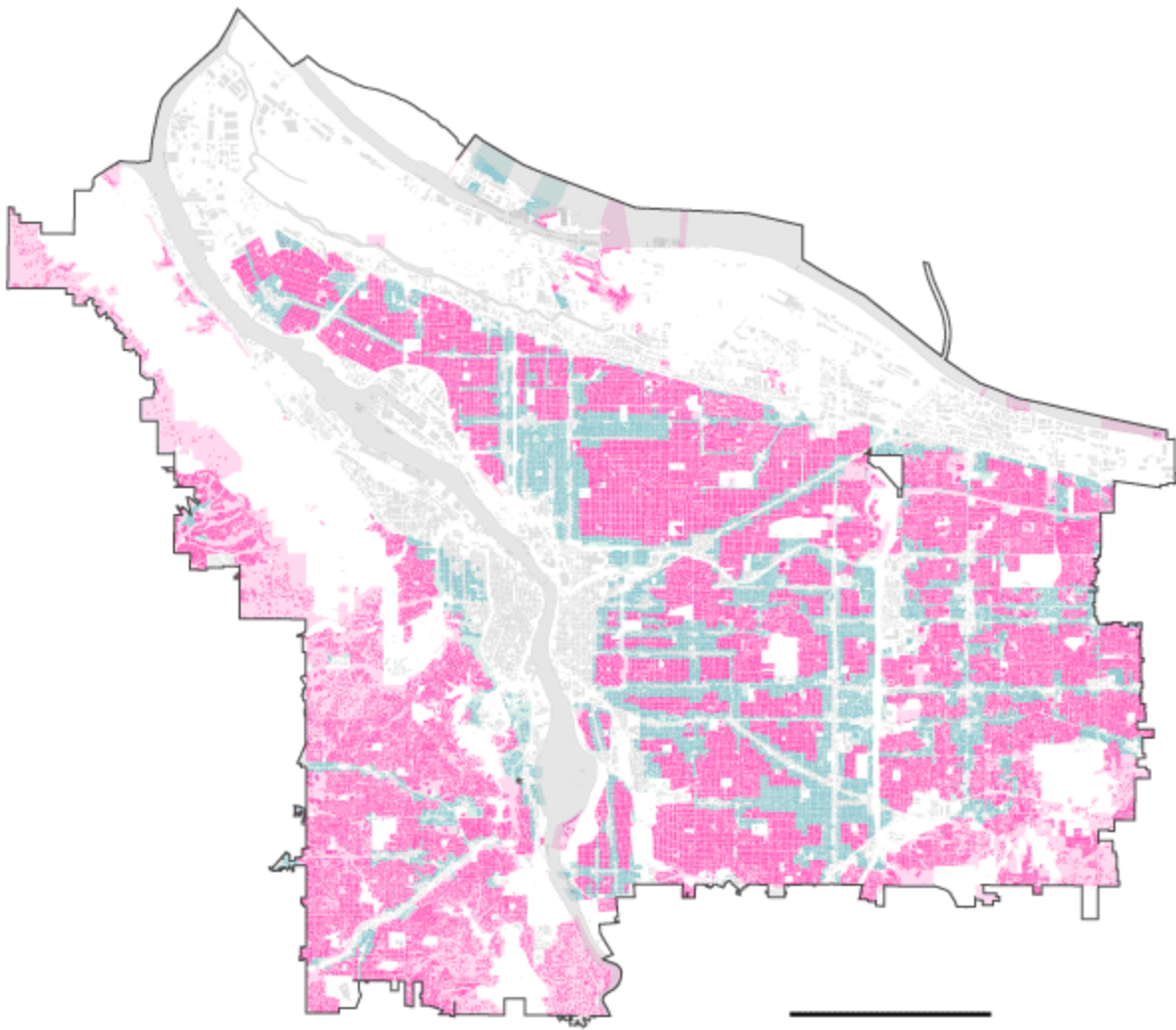
## Context

The City of Portland developed the Residential Infill Project to respond to several trends the city was experiencing. First, the city's population was growing at a significant rate. Between 2010 and 2020, Portland's population grew by 11.8 percent, adding over 68,500 residents and growing greater than the national average (Portland Housing Bureau, 2022). The greatest growth occurred between 2014 and 2019, just before the COVID-19 pandemic hit. According to population forecasting, Portland was projected to grow by more than 100,000 households by 2035 (City of Portland, 2020b). However, this trend seems to have changed over the course of the COVID-19 pandemic. According to Census Bureau estimates, Multnomah County, which includes Portland, has experienced a 2.5 percent decrease in its population since the 2020 Census (Sawyer, 2023). This aligns with the State of Oregon's population trajectory. Oregon population growth has slowed during the pandemic according to demographers from Portland State University (Frost, 2023). As the nation recovers from COVID-19, these trends may change. It's also possible that Portland may not experience the growth it previously forecasted.

Portland's population is also diversifying. The city's Asian, Native Hawaiian-Pacific Islander, Hispanic-Latino, and multiracial populations experienced significant growth between 2010 and 2020 (Population Research Center, n.d.). Meanwhile, the city's White population only grew by 2.8 percent and the share of White residents decreased from 72.2 percent to 66.4 percent of the total population (Population Research Center, n.d.). At the same time, the city's population is aging. The senior population (65+) grew in 2020 to represent 13.2 percent of the population (Portland Housing Bureau, 2022). With an aging population, the housing market will need to provide ample opportunities for residents to age in place. In addition to an aging population, Portland's household composition is also changing. Between 2015 and 2020, households without

children grew by 10.7 percent compared to households with children that grew by only 4 percent (Portland Housing Bureau, 2022). Single-person households also grew by 7.2 percent (Portland Housing Bureau, 2023). These trends indicate a shift toward smaller households that may have different needs than previous generations.

The city's growing population (at the time of developing RIP), changing demographics, and increasing housing demand has resulted in a housing shortage that has contributed to increasing affordability challenges. Nearly 77 percent of residential land was zoned exclusively for single-family homes in 2019 (Badger & Bui, 2019). Figure 3 illustrates how the vast majority of residential land in the city was zoned exclusively for single-family homes prior to the Residential Infill Project. Coupled with affordability challenges, the City was significantly limited in the land it had available to build homes, especially homes that can meet the varying needs of households. The Portland City Council declared a housing emergency in 2015 to aid in addressing the city's affordability and homelessness crisis, leading to an expedited process for affordable housing development (Portland Housing Bureau, 2022). Although Portland experienced a housing boom in the past decade, the city continues to lack an adequate supply of housing that meets the needs of its residents. The city continues to face affordability challenges as a result of a shortage of housing units. Nearly 47 percent of renters and 37 percent of homeowners were cost burdened in 2019 (Portland Housing Bureau, 2022). Exacerbated by the COVID-19 pandemic, homeowners and renters are burdened at even higher rates today. Skyrocketing rents and home prices have significantly reduced affordability for households across the city. A household must earn between 130% and 160% of the area median income in order to afford the median home price in Portland (City of Portland, 2020). These staggering affordability challenges led constituents to demand changes in their community.



Residential land zoned for: ■ detached single-family homes ■ other housing

**Figure 3: Residential Land Zoned for Detached Single-Family Homes, Portland, OR**

Source: The New York Times (2019)

In 2014, a local developer submitted a letter to the Portland Bureau of Planning and Sustainability. The letter encouraged the City to update its land and use regulations and allow the market to address shifting demographics, affordability challenges, and environmental concerns (Spevak, 2014). Among the recommendations outlined in the letter, the City was encouraged to

support smaller scale infill projects such as ADUs and middle housing developments. Two years later, the Portland City Council unanimously approved the Residential Infill Project concept in 2016. The project aims to legalize middle housing types throughout the city to provide more housing opportunities for the community (Njus, 2016). Although the project concept was approved, it took several years and an extensive public engagement process for RIP to be approved in 2020 and later implemented in 2021.

In 2019, the Planning and Sustainability Commission for Portland recommended a draft proposal of RIP to the City Council. In the same year, the Oregon state legislature passed HB 2001 to address housing challenges across the state. Christine (Tina) Kotek, the Speaker of the Oregon House of Representatives, sponsored HB 2001 adding that “the state’s housing crisis requires a combination of bolder strategies” (Njus, 2018). With bipartisan support, the legislation aims to provide Oregonians with housing choices at more affordable price points to meet the needs of a changing population. Medium-sized and large–metropolitan-sized cities that fell within the population thresholds outlined in the bill were required to implement HB 2001 by mid 2021 or 2022 respectively. Cities that did not meet these deadlines were required to adopt a model code created by the State’s Department of Land Conservation and Development (Oregon Department of Land Conservation & Development, 2020). Portland had already been working on RIP and was able to use the momentum of the bill to bring the project to fruition. To facilitate implementation, HB 2001 provided \$3.5 million to assist local governments with the development of regulations and plans to legalize middle housing types and improve services to areas with infrastructure constraints (Oregon Department of Land Conservation & Development, 2019).

## **Stakeholder Engagement**

The Residential Infill Project's community engagement process occurred in two phases. The first phase began in 2015 and extended through 2016, developing the overarching concepts of the project and culminating in a Concept Report that was presented to the City council and public for review (Portland Bureau of Planning & Sustainability, 2017). In the second phase occurring between 2017 and 2020, City staff, the Planning and Sustainability Commission, and the Portland City Council developed code and map amendments in alignment with the Concept Report and public feedback. (Portland Bureau of Planning & Sustainability, 2019). After an extensive community engagement process, the City Council voted to adopt the Residential Infill Project in 2020 with implementation beginning in Summer 2021.

The City's public engagement process was comprehensive and included support from a Stakeholder Advisory Committee (SAC) established by the former Mayor of Portland, Charlie Hales. Consisting of 26 appointed and selected members, the committee represented a range of stakeholders from developers and architects to housing advocates and neighborhood coalitions (City of Portland, 2016). Appendix C includes a list of the committee members and their occupations. SAC was tasked with creating a concept report that outlined the consequences of infill housing development, solicited feedback from the community, and provided guidance for City staff. The 84-page Concept Report highlighted four major concerns: the growing number of demolitions that resulted in large infill development, increasing housing costs and decreasing affordability, a lack of housing diversity, and the challenges of historically narrow lots in older neighborhoods (Portland Bureau of Planning & Sustainability, 2017). These concerns became the focus of the Residential Infill Project with subsequent zoning and land use amendments developed in alignment with the Concept Report.

Throughout the community engagement process, the City connected with stakeholders through various activities. Community members were provided a plethora of opportunities to interact with staff and hone the project's scope and objectives. For example, a series of public hearings, neighborhood coalition meetings, social media activation, website engagement, media releases, events, neighborhood walks, and monthly mailing lists and newsletters were among some of the techniques used by staff to connect with the community and gather feedback (Portland Bureau of Planning & Sustainability, 2016a). In addition, the engagement process was comprehensive and inclusive. The City's engagement plan emphasized creating an inclusive, thoughtful, and responsive engagement platform that involved the community in the decision making process (Portland Bureau of Planning & Sustainability, 2016a). Appendix C includes a list of the stakeholder groups the city identified as important to engage in the process. While staff connected with the usual group of stakeholders, they also facilitated conversations with historically underrepresented communities. In order to be more inclusive and better represent the community, City staff shifted RIPs overarching question away from maintaining neighborhood character. Instead, the City modified its central question to "How will the single-dwelling development standards adapt to meet the needs of the next generation?" (Portland Bureau of Planning & Sustainability, 2016a). This shift allowed the City to better connect with the community and gather constructive feedback.

## **Goals & Objective**

The Residential Infill Project set a primary goal to "adapt Portland's single-dwelling zoning rules to meet the needs of current and future generations" (Portland Bureau of Planning & Sustainability, 2017). By doing so, the City aims to meet its housing targets outlined in the city's

comprehensive plan. In particular, 20,000 units of middle housing are needed by 2035 to meet the needs of households (Zielinski, 2023). While the City is behind schedule, RIP is expected to facilitate the production of middle housing in the coming years. To meet the goal, the City set three overarching objectives to guide policy development. First, develop smaller housing types that blend in with existing homes in communities (City of Portland, 2020b). As larger, single-family homes are generally more expensive, creating new units that are smaller in scale will reduce housing costs and create new housing opportunities. Second, expand housing choice to meet the needs of households with different incomes, ages, sizes, and needs (City of Portland, 2020b). With Portland experiencing changing demographics, the City can respond by building a variety of homes that are available for diverse households with varying needs. Third, facilitate development on historical narrow lots by establishing new rules (City of Portland, 2020b). By creating new regulations for narrow lot development, the City can increase the supply of housing, provide smaller units, and expand housing choice. Together, these three objectives ensure that Portland's single-family zones are part of the solution to addressing the city's housing challenges. By improving design standards, providing flexibility for developers, and expanding housing options, the City aims to develop a greater variety of housing types in communities throughout Portland.

## **Policy Design & Implementation**

Recognizing that Portland's population was growing, demographics were shifting, and the housing market was not keeping pace with demand, the City took action to explore solutions that would address these challenges in an effective, efficient, and inclusive manner. After an extensive community engagement process, the City of Portland adopted and implemented the

Residential Infill Project, updating the rules that regulate the types of housing allowed in neighborhoods across the city. Appendix C provides a summary of the new rules that Portland implemented under the project. RIP, in particular, expands housing choices in neighborhoods throughout Portland by increasing housing density. The project permits more than one unit on residential lots previously zoned for single-family homes, including ADUs, duplexes, triplexes, fourplexes, and cottage clusters (City of Portland, 2020b). The project also includes a “deeper” affordability bonus for developments that include affordable units. For instance, developers are approved to build fiveplexes and sixplexes if at least one of the units is made affordable for households earning up to 60% AMI (City of Portland, 2020a). They also receive additional floor area as an incentive to accommodate these larger developments. The bonus creates more opportunities for affordable housing to be embedded in Portland communities. In addition to expanding middle housing development potential, ADU rules were modified to permit up to two ADUs on lots in single-family zones (City of Portland, 2020b). This offers developers and homeowners greater flexibility to construct units on properties where multiplexes are difficult to build. And finally, the project improves access for elderly individuals and people with mobility issues. In particular, developments with three or more units are required to implement a series of “visitability standards” (City of Portland, 2020b). For example, new units must have an accessible entrance, bathroom, and living area on the main floor to accommodate people living in the unit or visiting (City of Portland, 2020b). This creates more opportunities for an aging population to age in place.

The Residential Infill Project also eliminated off-street parking mandates. Throughout the city, developers building housing units in single-family zones are no longer required to provide off-street parking. This is expected to reduce barriers to developing middle housing types.

Offering several benefits, the City expects that removing parking requirements will reduce housing costs, increase livable space, expand access to green space, and provide flexibility in building design (City of Portland, 2020a). Although parking is required in other areas of the City, requirements only apply to housing developments with more than 30 units. Mid-scale buildings with 31 units or more are required to provide a minimum number of spaces ranging from 0.20 to 0.33 spaces per unit (City of Portland, 2019).

The Residential Infill Project moderates the scale of new housing. Building floor area requirements were modified to reduce the maximum allowable size of new units (Portland Bureau of Development Services, 2021). For example, a single-family home built on a 5,000 square foot lot is restricted to a floor area of 2,500 square feet. The City expects that this will ensure new dwellings are smaller in scale to blend in with neighboring homes, prevent the creation of micro-mansions, and foster housing development that is generally more affordable. To accommodate middle housing types, floor area requirements increase incrementally as more units are added to a project (City of Portland, 2020b). For example, a duplex on a 5,000 square foot lot is permitted to have a floor area of 3,000 square feet, a triplex is granted 3,500 square feet, and a fourplex is allowed up to 4,000 square feet. By increasing flexibility, barriers to building middle housing types are reduced. Moreover, the City provides incentives and disincentives to efficiently regulate development. In particular, RIP places restrictions on demolishing homes to build larger units. The City limits redevelopment options, requires approval for demolishing units, and incentivizes conversions of single-family homes into multi-units (City of Portland, 2020a). The City also expands land use efficiency. Specifically, larger, oversized lots are required to include at least two units (Portland Bureau of Development Services, 2021). By doing so, the City ensures that lots are being used to their maximum

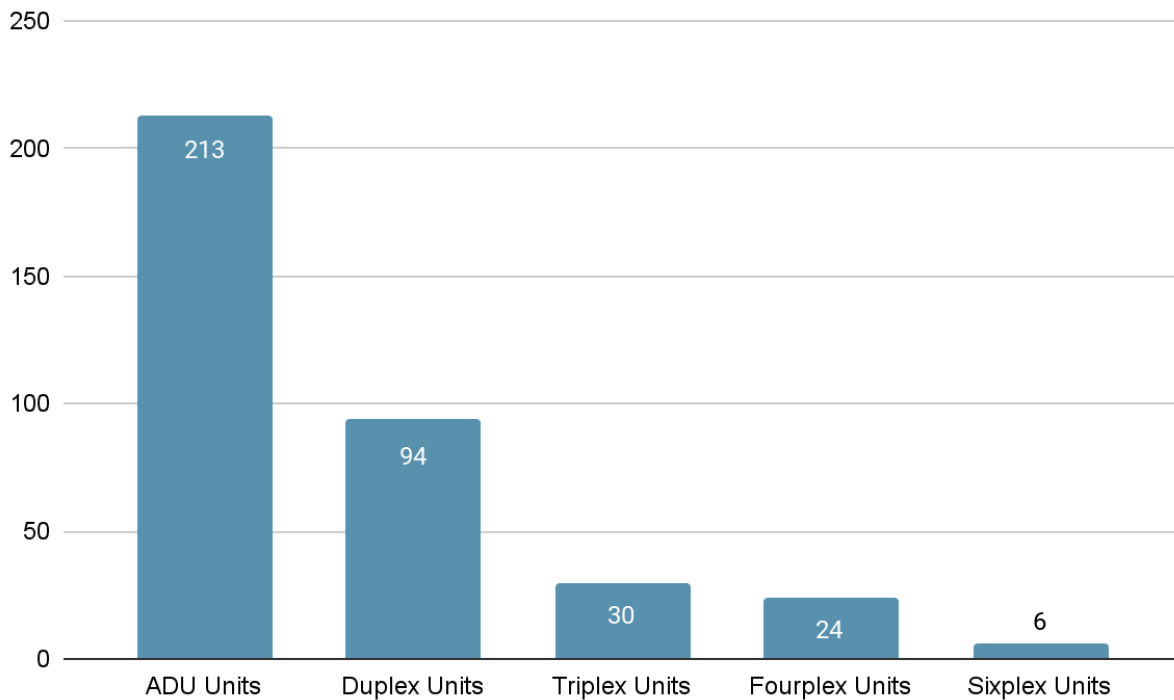
potential. All of these opportunities expand Portland’s capacity to control development scale while providing flexibility and efficient use of land.

Establishing new rules for narrow lot development, RIP creates opportunities for new smaller homes while efficiently using underutilized land. Portland has clusters of narrow lots throughout the city that were created by surveyors in the nineteenth and twentieth centuries (City of Portland, 2017). Historically, narrow lots are typically half the size of standard lots which measure 50 feet wide by 100 feet deep. Generally, the City has not allowed development on lots that are less than 3,000 square feet, leaving many narrow lots virtually undevelopable (Bureau of Planning & Sustainability, 2016). However, these smaller lots provide opportunities for creating more affordable housing types and increasing the supply of smaller homes. Therefore, the City developed new rules to govern development on narrow lots. For example, narrow lots are required to have attached housing types built on them (Portland Bureau of Development Services, 2021). This allows for an efficient use of land and creates homes that better reflect neighborhood character. The City also restricts the development of garages on narrow lots to maximize land for housing (Bureau of Planning & Sustainability, 2016). Altogether, the changes to narrow lot development increase the City’s potential for creating more homes of varying sizes to create a range of units available at various price points.

### **Short-term Housing Impacts & Current Outlook**

Portland has experienced considerable success since the adoption of its Residential Infill Project. Figure 4 shows the breakdown in middle housing units, including ADUs, between August 2021 and July 2022. In the first full year of the program from August 2021 through July 2022, RIP produced 367 new housing units that were formerly not permitted, including ADUs,

duplexes, triplexes, fourplexes, and sixplexes (Garcia et al., 2022). Of the new housing units, approximately 40 percent were middle housing types ranging from two through six unit buildings (Garcia et al., 2022). Portland’s success is a testament to the effectiveness of reducing barriers to spur housing development. In 2022 alone, the city produced 1,246 middle housing units (Zielinski, 2023). The City also produced an unprecedented number of affordable housing units. By undergoing comprehensive modifications to zoning regulations, design standards, and land use policies, the City created greater flexibility for developing middle housing types.



**Figure 4: Middle Housing Units Permitted in Portland by Type, Aug 2021 - July 2022**

Source: U.C. Berkeley Turner Center for Housing Innovation (2023)

In 2021, Senate Bill 458 passed requiring cities to allow land divisions for new middle housing units (State of Oregon SB 458, 2022). The land division process would permit lots to be

split so that homes could be sold separately. Habitat for Humanity requested the change in order to streamline the permitting process for lot splits and expand affordable homeownership opportunities (Parrott, 2021). At the time, the process for land division was costly, time consuming, and restrictive. By simplifying and reducing barriers, more affordable and diverse homeownership opportunities are available for Portland residents. Prior to SB 458, developers were limited in their ability to sell units separately. For example, a newly constructed duplex could be sold by developers as a package of two units, rented out individually, created into a condominium. By streamlining the land division process, developers could instead sell the homes separately which would provide two homeownership opportunities.

In June 2022, Portland adopted the Residential Infill Project Part 2 to update design standards and expand allowable middle housing types throughout the city (Garcia et al., 2022). The project also ensured that the City was fully in alignment with the State's requirements under HB 2001. With the expansion of RIP, the development of attached housing types and cottage clusters were accommodated throughout the City on former single-family lots. The updated rules also included the requirements under SB 458, creating an expedited land division process to expand homeownership opportunities.

## **Los Angeles, CA**

In 2021, California became the second state in the nation to pass legislation that effectively eliminated single-family-only zoning throughout the state (Garcia, 2021). The law, Senate Bill 9 (SB 9), otherwise known as the California Housing Opportunity and More Efficiency (Home) Act, requires larger cities to allow middle housing types on lots zoned exclusively for single-family dwellings (Garcia, 2021). Specifically, impacted cities are required

to allow up to units on one lot, or subdivide the lot and allow up to two units per parcel for a total of four units. The bill is expected to increase the supply of smaller more affordable units to meet the needs of households across the state.

As required by SB 9, the City of Los Angeles implemented changes to its land use policies in January 2022 when the law went into effect. However, new units are subject to the same building and construction standards as single-family homes. The City has not yet implemented its own regulations to facilitate middle housing development. This is likely to change in the near future as Los Angeles makes updates to its zoning code. Aiming to modernize Los Angeles' zoning code, the City has been undergoing a comprehensive update process since 2013 (Los Angeles City Planning Commission, 2022). The forthcoming code is expected to be more responsive to the needs of neighborhoods throughout the city in the 21st century, including providing access to opportunity through expanding housing choices.

## **Context**

California is experiencing a housing and homelessness crisis. The state needs to build over 2.5 million homes by 2030 in order to meet the needs of households (California Department of Housing and Community Development, 2022). This includes building affordable housing for low-income and extremely low-income households. For instance, 41 percent (nearly 1 million homes) of all new housing units must be affordable to low-income and extremely-low income households if the State wants to adequately address the housing crisis (California Department of Housing and Community Development, 2022). Unfortunately, the supply of housing in California has not kept pace with demand. On average, the state has only built 80,000 homes per

year (Office of Senator Atkins, 2021). If the state doesn't increase its annual supply of housing, it will fall short of meeting its goal.

California is one of the most expensive states to live in, and the situation has only been exacerbated by the COVID-19 pandemic. Over half of renter households (51.8%) are cost burdened (Davalos et al., 2021). In addition, two out of every five owner-occupied households (with mortgages) are spending more than 30 percent of their income on housing (Public Policy Institute of California, n.d.). Cost-burdened households are at a greater risk of experiencing housing instability. A worker must earn, on average, a wage of \$39.03 an hour (working 40 hours per week) in order to afford a two bedroom home at fair market rent (National Low Income Housing Coalition, 2021). With these unsettling trends, the state needs to rapidly build more housing in order to meet demand. Each city, including Los Angeles, must produce its share to aid the state in meeting its housing target.

Similar to California as a whole, Los Angeles is facing a housing shortage that has contributed to increasing housing costs. And, as the city's population grows, the crisis worsens as housing production is not keeping pace with demand. Los Angeles is expected to grow by 8.15 percent between 2020 and 2030, increasing by over 371,000 people (Los Angeles City Planning, 2021). As this growth occurs, demographics are expected to continue shifting thereby impacting the type of housing needed. In particular, Los Angeles's population is aging. The number of adults over 60 years grew by 29 percent between 2010 and 2019 (Los Angeles City Planning, 2021). As the population ages, opportunities for aging in place become more important. In the same time period, the share of young people under the age of 19 declined by 8.5 percent (Los Angeles City Planning, 2021). This indicates that household sizes are becoming smaller. For example, households with five or more individuals have decreased by roughly 42,000 households

(Los Angeles City Planning, 2021). Comparatively, one and two person households have grown by nearly 89,000 households (Los Angeles City Planning, 2021). The implications of this trend on housing supply is important to note. As smaller households grow, the type of housing needed changes.

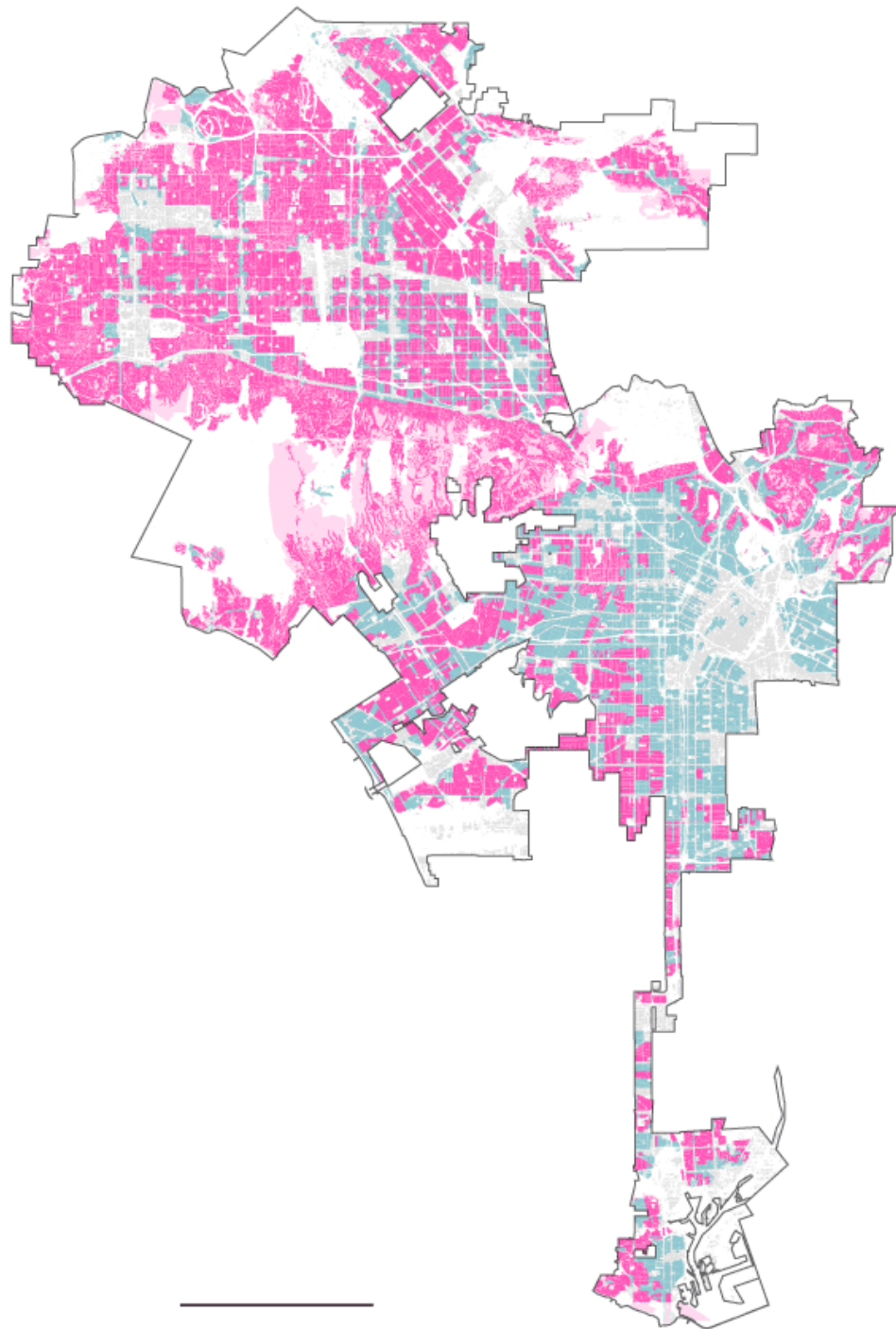
The high cost of housing compounded by a severe housing shortage has resulted in several unsettling trends. In Los Angeles and California, the rate of homelessness has increased drastically between 2015 and 2020. In that time period, the number of individuals experiencing homelessness grew by a staggering 61 percent in Los Angeles (Los Angeles City Planning, 2021). The impact of the COVID-19 pandemic has only increased the rate of homelessness. According to the 2022 Point-in-Time count, nearly 42,000 people experienced homelessness in 2022 (Los Angeles Homeless Services Authority, 2022). This comes as no surprise in a city where the cost-of-living is extremely high. In 2019, Los Angeles had the highest rate of cost-burdened households than any major city in the nation (Los Angeles City Planning, 2021). Over half of households (52%) are cost-burdened and 27 percent are severely cost burdened (Los Angeles City Planning, 2021). Low-income households are disproportionately impacted by high housing costs and represent the greatest share of households that are cost burdened.

Los Angeles needs to build a substantial amount of housing in the coming decade. According to the Regional Housing Needs Assessment (RHNA) conducted by the California Department of Housing and Community Development, Los Angeles needs to build over 456,000 homes between 2021 and 2029 (California Department of Housing and Community Development, n.d.). To put this into context, the city had just over 1.5 million homes in its housing stock in 2020 (U.S. Census Bureau, 2021). Therefore, Los Angeles will need to increase its housing stock by nearly 30 percent in a short time period. In other words, Los Angeles will

need to add approximately 57,000 housing units per year to reach its target. This is a fivefold increase in housing construction compared to the city's current housing production rate (Sharp, 2021). If Los Angeles hopes to meet the needs of households, the city will need to make some key policy shifts in order to produce the housing needed.

In order to meet the housing goals for Los Angeles, the City intends to rezone large swaths of land to expand the capacity for housing development. The rezone includes making significant changes to regulations governing single-family neighborhoods that comprise the greatest share of land use. For example, 75 percent of residential land in Los Angeles was zoned exclusively for single-family homes in 2019 (Badger & Bui, 2019). Figure 5 illustrates the share of residential land in Los Angeles that was zoned exclusively for single-family homes in 2019. With the vast majority of land reserved for the lowest density housing type, the City faces significant challenges to increasing housing supply.

In 2013, Los Angeles began a comprehensive zoning process and later released the Zoning Code Evaluation Report in 2014 (City of Los Angeles, 2014). The report outlines eight overarching objectives for the future of Los Angeles ranging from creating distinct neighborhoods to developing a clear and transparent zoning code. Since the 1940s, the City's zoning regulations have only grown in complexity. Starting at 84 pages in 1946 and reaching 600 pages as of 2014, the zoning process in Los Angeles is overly complicated and cumbersome (City of Los Angeles, 2014). To address these challenges, the City decided to undertake a 5-year project to rewrite the zoning code in order to streamline the process, provide greater clarity, and better align with the City's comprehensive plan (City of Los Angeles, 2014).



Residential land zoned for: ■ detached single-family homes ■ other housing

**Figure 5: Residential Land Zoned for Detached Single-Family Homes, Los Angeles, CA**

Source: The New York Times (2019)

In 2020, the City of Los Angeles released its new zoning framework to the public for review. The framework includes modifications to the standards that control what development occurs and where particular development can occur. Specifically, the City created five districts that will determine development potential, including form, frontage, development standards, use, and density districts (Los Angeles City Planning Commission, 2022). The code is expected to be more accessible and receptive to neighborhoods and their residents.

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Since 2020, the City has been working on making updates to neighborhood plans and developing amendments based on feedback from the City Planning Commission and City

Council. With the first neighborhood plan update expected to be considered by City Council in May 2023, Los Angeles may soon have a new zoning code for the downtown district (Sharp, 2023). In the meantime, SB 9 has expanded the capacity of the City to increase housing density and supply. In a study conducted by the Turner Center for Housing Innovation, Metcalf et al. (2021) found that SB 9 could facilitate the construction of 714,000 new housing units across California. In the City of Los Angeles, the legislation could enable up to 37,500 market-feasible new units (Metcalf et al., 2021). However, financial and physical constraints could limit these opportunities. Nonetheless, the potential of SB 9 could lead to improved housing outcomes for Los Angeles residents over time.

### **Stakeholder Engagement**

SB 9 was first introduced in the state legislature in 2020. Toni G. Atkins, the President pro Tempore of the California Senate, authored the bill in conjunction with a package of other supporting bills aiming to address the housing crisis the state faced (Merino, 2021). After passing through several legislative committees and undergoing a series of amendments, SB 9 was signed into law by Governor Gavin Newsom in September 2021. During the legislative process, stakeholders participated in public hearings and through other participatory avenues to create a bill that would expand the supply of smaller-scale housing in jurisdictions across the state while limiting potential side effects. Stakeholders that engaged in the process ranged from individuals and homeowners to neighborhood associations and municipalities across the state (Office of Senate Floor Analyses, 2021). The engagement process led to a bill that preserves historic neighborhoods, respects local control, largely benefits homeowners, and promotes strategic infill growth (SB 9: The California H.O.M.E. Act, 2021). Though the bill passed and received support,

SB 9 elicited strong opposition from constituents who saw the legislation as an overreach of the state and an attack on local control.

Over 240 cities in California were in direct opposition to the bill at the time that Governor Newsom signed it into law. The majority of stakeholder groups in opposition were homeowner associations, neighborhood associations, and city governments. For example, the California League of Cities, a nonprofit organization aiming to expand and protect local control, in conjunction with the aforementioned cities, urged the Governor to veto SB 9. Local municipalities across the state were concerned about giving up control over land use decisions and removing the public engagement process that is typical of new development. The California League of Cities wrote a letter to the governor stating that SB 9 “does not guarantee the construction of affordable housing” and the bill “would undermine input and the local review process” (League of California Cities, 2021). Appendix D includes a comprehensive list of stakeholders in support and opposition of SB 9. While SB 9 may bypass local input through a ministerial review process, the law also expands rental and homeownership opportunities at relatively lower prices. Additionally, the bill places most of the control over development in the hands of homeowners, creating stipulations that ensure development is in alignment with neighborhood character. Despite considerable opposition, SB 9 passed with broad support from housing and environmental groups, local and county governments, corporations and nonprofit organizations, and individuals (SB 9: The California H.O.M.E. Act, 2021).

## **Goals & Objectives**

SB 9 aims to address the state’s housing and homelessness crisis by expanding housing opportunities. The primary goal of the legislation is to encourage the development of housing

throughout the state by expanding the capacity for jurisdictions to increase the supply of smaller, two-unit developments in areas traditionally zoned exclusively for single-family homes (SB 9: The California H.O.M.E. Act, 2021). In addition to improving the production of housing, the bill also has other underlying motivations and spillover opportunities. In particular, the bill promotes strategic infill development, provides more rental and ownership opportunities for households, creates more equitable and inclusive neighborhoods, and fosters intergenerational wealth building opportunities for homeowners (SB 9: The California H.O.M.E. Act, 2021). Ultimately, SB 9 aims to expand housing options across California to meet the needs of diverse households. With cities throughout the state finding ways to increase housing supply to meet the target of 2.5 million homes by 2030, the legislation reduces barriers to facilitate meeting that goal.

### **Policy Design & Implementation**

SB 9 permits the development of up to four units on a single lot of land, placing control of middle housing supply in the hands of homeowners. Appendix D provides a summary of the new rules that Los Angeles implemented under SB 9. The bill permits homeowners to build one additional housing unit on their existing lot, or homeowners can split their lot in half and build one unit on their existing lot and up to two units on the new lot created by the subdivision process (Casita Coalition, 2022). However, additional restrictions apply should homeowners choose to subdivide their lot. For instance, lot splits are subject to an occupancy requirement that requires homeowners to live in one of the housing units for at least three years in order to subdivide their lot (SB 9: The California H.O.M.E. Act, 2021). This measure was intended to address concerns of profiteering by institutional investors who may pursue predatory development by buying up land and profiting from increased density allowances. While SB 9

largely benefits homeowners, it does provide for moderate increases in housing supply and creates opportunities for developers to develop smaller infill housing types.

Despite the limitations of the owner-occupancy requirement on subdividing lots, developers are permitted to build middle housing types on vacant lots or if contracted by a homeowner. For example, SB 9 permits developers to build up to two units on vacant lots, including duplexes or a combination of single-family homes and ADUs (Casita Coalition, 2022). However, they are restricted from participating in the lot splitting process unless they plan to live on the property themselves. They are also prohibited from demolishing homes if they have been occupied in the last three years. These restrictions on developers are in place to limit predatory development.

While SB 9 expands opportunities for increasing density in single-family neighborhoods, the bill has some limitations that could be restrictive for developers and homeowners alike. In particular, the bill places restrictions on renting and selling SB 9 units. For example, there is a minimum rental period of 30 days on all SB 9 units (Homestead, 2023). Therefore, short-term and vacation rental opportunities like AirBNB or VRBO are prohibited. Additionally, homeowners and developers are required to sell SB 9 units as a package and not allowed to sell separately (Homestead, 2023). This may have the opposite effect of expanding affordability. For example, a duplex being sold as a whole will cost significantly more than selling an individual unit. Only wealthy individuals would be able to afford such a price tag. The bill also does not modify design standards such as parking, floor area requirements, or height limitations. It is therefore up to local jurisdictions to decide whether to modify these requirements. Los Angeles has yet to make any modifications to its own design standards that could loosen the restrictiveness of the bill.

## Short-term Housing Impacts & Current Outlook

Los Angeles has experienced limited success with the implementation of SB 9. While the bill expands development potential, it is also considerably restrictive in design. According to the Turner Center for Housing Innovation, which collected SB 9 permitting data from thirteen cities across the state, the City of Los Angeles approved only 38 housing units from January 2022 through November 2022 (Garcia & Alameldin, 2023). Of the total number of applications submitted for SB 9 units, only 18 percent were approved (Garcia & Alameldin, 2023). All lot split applications were denied. Table 1 shows the breakdown in the number of applications received and approved. Though Los Angeles permitted more units than all of the other cities in the sample combined, the small number of units hardly compares to the magnitude of the

| Process                         | Number of applications |
|---------------------------------|------------------------|
| Lot split applications received | 28                     |
| Lot split applications approved | 0                      |
| SB 9 applications received      | 211                    |
| SB 9 applications approved      | 38                     |

**Table 1: SB 9 Applications Received and Approved, Jan 2022 - November 2022**

Source: U.C. Berkeley Turner Center for Housing Innovation (2021)

housing crisis. To put it into perspective, Los Angeles permitted a total of 19,629 units in 2021 (California Department of Housing & Community Development, 2022) SB 9 units represent less than a quarter of one percent of the total number of units permitted.

The low amount of SB 9 units could be due to a variety of reasons. Unclear rules and direction, additional regulatory barriers, the COVID-19 pandemic, and the high cost of construction are among the possibilities. However, nearly 26 percent of all units permitted in 2021 were ADUs (California Department of Housing & Community Development, 2022). This outcome indicates that State and City efforts to expand the supply of ADUs have been effective. For example, David Garcia, the Turner Center's Policy Director, hypothesizes that homeowners have greater incentives and resources to build ADUs than they do for developing middle housing types (Wiley, 2023). State and local laws have reduced barriers on ADU development in recent years. By learning from the success of those policies, Los Angeles can better facilitate middle housing development. Additionally, Los Angeles may consider modifying zoning, building, and land use regulations to better align the development of middle housing with the City's housing goals.

As many cities in California found ways to work around SB 9 and prohibit the bill from expanding housing options, legislators revisited the bill to address concerns surrounding implementation. In March 2023, Senator Atkins introduced SB 450 with the intention to modify and strengthen SB 9 (Office of Senator Toni G. Atkins, 2023). The proposed bill aims to increase accessibility for homeowners and expand oversight to ensure effective and full participation from impacted jurisdictions. Specifically, SB 450 prohibits objective zoning, subdivision, and design standards, mandates jurisdictions to review SB 9 applications within 60 days, prevents jurisdictions from denying lot split applications due to physical environmental impacts, and grants the Department of Housing and Community Development oversight powers over SB 9 (Office of Senator Atkins, n.d.) Each of these technical changes were in direct response to challenges that developers and homeowners were experiencing while submitting applications to

develop SB 9 units. The bill is currently making its way through the legislature and has not yet been passed into law.

## **5. DISCUSSION**

While each case study alone provides insight into the intricacies of zoning reform, together they provide a more complete understanding of the relationship between local land use policies and middle housing development. They emphasize four policy implications that provide important insight into the role that zoning reform plays in expanding the supply of smaller-scale, more affordable housing types. First, eliminating single-family zoning, by itself, will not facilitate the development of middle housing types. Simply allowing more units on a lot will not result in a significant increase in middle housing supply. Second, additional barriers and constraints exist that restrict housing development. Regulatory and financial barriers limit middle housing supply. Third, the development of middle housing will be slow and incremental. It will take time for developers and homeowners to navigate the new rules governing single-family neighborhoods. And finally, effective zoning reform requires ongoing changes and a process of trial and error. All three case studies are in the process of making changes to address challenges and limitations that restrict middle housing development. More information about each of these implications are discussed below.

Although Minneapolis and Los Angeles have implemented zoning reforms that target expanding allowable housing types in single-family neighborhoods, the cities have only experienced modest success with increasing middle housing production. Portland, on the other hand, has experienced considerable increases in its supply of middle housing types. The success of Portland's Residential Infill Project, and the failures of Minneapolis and Los Angeles's zoning

reforms indicate that eliminating single-family zoning, by itself, will not facilitate the development of middle housing. In other words, addressing restrictive barriers is critical to fostering a robust middle housing market.

As can be seen in Table 2, Minneapolis, Portland, and Los Angeles implemented reforms in differing capacities. Minneapolis, for example, eliminated single-family zoning and parking minimums, accommodating duplexes and triplexes in single-family zones. Similarly, Los Angeles, through California's SB 9, eliminated single-family zoning and permitted more housing types in single-family neighborhoods. However, these changes were miniscule compared to the comprehensive modifications that Portland made to its zoning regulations through the Residential Infill Project. The reforms Portland has implemented have been instrumental in expanding the supply of middle housing types throughout the city. Meanwhile, the minimal amount of modifications made in Minneapolis and Los Angeles, in relation to their middle housing outcomes, indicate that simply allowing more units on a lot will not result in substantial increases in supply.

While eliminating single-family zoning is critical to facilitating middle housing development, additional regulatory barriers and constraints exist that restrict the supply of middle housing types. In the cases of Minneapolis and Los Angeles, the reforms are very limited in scope and fail to address exclusionary policies that limit housing production. For example, new development in Minneapolis continues to be limited by height and bulk restrictions embedded within the City's zoning regulations; middle housing types are expected to fit within the same building envelope as single-family homes despite being multi-unit buildings. Los Angeles faces similar challenges. Although California's SB 9 permits more than one unit per lot, the City's zoning regulations require new development to be equivalent in scale to single-family

| <b>Reforms</b>                                     | <b>Minneapolis</b>                    | <b>Portland</b>  | <b>Los Angeles</b>                              |
|--|---------------------------------------|--|---|
| Eliminates single-family only zoning               | Accommodates middle housing types     | Accommodates middle housing types                            | Accommodates middle housing types               |
| Increases allowable density in single-family zones | Up to 3 units per lot                 | Up to 4-6 units per lot, depending on affordability          | Up to 2-4 units per lot, depending on lot split |
| Eliminates minimum parking requirements            | Eliminates minimums; reduces maximums | Eliminates minimums; reduces maximums                        |   |
| Modifies Floor Area Ratio (FAR) requirements       |                                       | Incrementally increases based on the number of units         |   |
| Streamlines land division process                  |                                       | Provides an expedited process for middle housing             |   |
| Incentivizes affordable housing creation           |                                       | Provides bonus floor area if at least one unit is affordable |   |
| Modifies minimum lot size requirements             |                                       | Reduces requirements and increases flexibility               |   |
| Modifies building height restrictions              |                                       | Changes how building heights are measured                    |   |

**Table 2: Reforms implemented in Minneapolis, Portland, and Los Angeles**

Source: City of Minneapolis, City of Portland, City of Los Angeles

homes. At the same time, SB 9’s parking restrictions limit development potential. For example, SB 9 requires one covered parking space per unit unless located near a major transit stop, making middle housing more difficult to build. It simply isn’t enough to eliminate single-family zoning. Regulations need to be modified to provide greater flexibility for developing each additional unit. Typically, single-family zones are regulated through design standards such as height restrictions, floor area ratios, parking mandates, setbacks, and other regulations that determine

the bulk and scale of housing. These requirements limit development potential and make middle housing impractical to build.

Portland’s Residential Infill Project offers a glimpse into how providing flexible zoning regulations can not only increase housing supply, but also ensure that new development is consistent with the surrounding neighborhood. For example, the new zoning regulations under RIP allow each additional unit greater height and bulk allowances. A newly constructed single-family home is permitted to have a floor area ratio of 0.5, while duplexes, triplexes, and fourplexes are permitted to have ratios of 0.6, 0.7, and 0.8 respectively. This creates much needed flexibility for developers to provide housing while not overwhelming adjacent development. In addition to providing flexibility to developers, Portland also incentivizes affordable housing through bonus floor area allowances. Any development that meets specific criteria, including setting aside at least one unit for households earning less than 60 percent AMI, is granted bonus floor area to maximize development capacity. These new standards provide greater incentives for developers. Additionally, Portland (and Minneapolis) removed off-street parking minimums. Not only do parking requirements decrease housing affordability by imposing additional development costs, but they also lead to inefficient land use and restrict development potential. By getting rid of parking mandates, Portland gives developers greater flexibility to provide innovative housing solutions. Consequently, Portland has experienced greater success with its zoning reforms in comparison to Minneapolis and Los Angeles.

To be clear, Washington’s HB 1110 addresses some of these challenges. Table 3 highlights the modifications HB 1110 makes to Seattle’s regulations. For example, the bill eliminates single-family zoning and expands the types and scale of housing that are permitted in

| Reforms | Seattle |
|---------|---------|
|---------|---------|

|  |   |
|--|---|
| Eliminates single-family only zoning               | <ul style="list-style-type: none"> <li>● Accommodates middle housing types in single-family zones</li> </ul>  |
| Increases allowable density in single-family zones | <ul style="list-style-type: none"> <li>● Allows up to 4-6 units depending on affordability and proximity to transit</li> <li>● Permits single-family homes, duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing</li> </ul>                                 |
| Eliminates minimum parking requirements            | <ul style="list-style-type: none"> <li>● Eliminates parking minimums on lots within a half mile of major transit stops</li> <li>● Reduces parking maximums to one space per unit for lots less than 6,000 square feet</li> <li>● Reduces parking maximums to two spaces per unit for lots greater than 6,000 square feet</li> </ul> |
| Incentivizes affordable housing creation           | <ul style="list-style-type: none"> <li>● Increases the maximum number of units allowed on a lot to 6 if at least two affordable housing units are included</li> <li>● Affordable units must be restricted by a deed or covenant for 50 years</li> <li>● Seattle sets the level of affordability based on housing needs</li> </ul>   |
| Requires objective development standards           | <ul style="list-style-type: none"> <li>● Requires adoption of objective design standards for middle housing</li> <li>● Standards can't be more restrictive than single-family home standards</li> </ul>   |

**Table 3: HB 1110 Reforms and Modifications to Seattle’s Regulations**

Source: Washington State Legislature, House Bill 1110

single-family neighborhoods. Seattle is required to allow up to four units on all residential lots, including a mix of middle housing types. HB 1110 also provides an affordability incentive for developers who create at least two affordable units. In particular, developers are permitted to build fiveplexes and sixplexes if two units are rented or sold affordably. The units must be restricted by a deed or covenant for at least 50 years. Additionally, the law also gives Seattle the opportunity to determine the level of affordability for those units based on housing needs. Furthermore, HB 1110 partially abolishes parking minimums throughout Seattle. For example, the city is not allowed to require parking if lots are located within a half mile of a major transit

stop. As parking poses a costly and restrictive barrier on housing development, this is a major step toward providing more relatively affordable housing in Seattle. In addition, HB 1110 reduces maximum parking requirements to one parking space for lots smaller than 6,000 square feet and two parking spaces for lots greater than 6,000 square feet. This rule ensures that future development prioritizes housing rather than parking spaces. Finally, HB 1110 requires Seattle to adopt objective design and development standards that can be no more restrictive than standards for single-family dwellings. While this is a step in the right direction, this stipulation does not address the restrictions that floor area, height, setbacks, and lot size requirements have on middle housing development. Middle housing will still be required to fit within the same building envelope as a single-family home unless the City makes modifications to its regulations.

As demonstrated in the case studies, expanding middle housing supply will be slow and incremental. New rules governing single-family neighborhoods lead to uncertainty and require a learning curve as homeowners and developers get accustomed to the intricacies of middle housing development. Additionally, homeowners and developers face significant barriers to financing these projects with capital often restricted for traditional housing types. High construction costs, limited loan opportunities, and a lack of government subsidies means that middle housing will remain economically infeasible to build. As uncertainty, financial constraints, and barriers to development are addressed, middle housing production will significantly expand in the long run. Though, the process will take time.

While short-term outcomes are modest, it's too soon to make definitive conclusions. Zoning and land use policies are complex systems and amendments to regulations and legislation are necessary to improve performance; the process will require iteration and refinement to achieve desired outcomes. Minneapolis, Portland, and Los Angeles continue to modify and adopt

amendments to their zoning and land use policies to address unforeseen challenges. For example, Minneapolis's Land Use Rezoning Study is expected to address some of the zoning barriers that are limiting middle housing development when implemented in Summer 2023. While Los Angeles has not yet amended its zoning code to facilitate middle housing production, the City is undergoing an extensive rezoning process that should address the barriers that currently exist. At the state level, California and Oregon have passed or are in the process of developing legislation to respond to challenges in developing middle housing. For example, California's SB 450 strengthens provisions in SB 9 and Oregon's SB 458 streamlines the land division process to increase middle housing homeownership opportunities. With trial and error, and ongoing stakeholder engagement, each city is fostering a better environment for middle housing development.

In addition to Washington State's HB 1110, a package of housing bills were signed into law by Washington Governor, Jay Inslee in 2023. These laws address housing shortfalls in Washington State and Seattle, while supporting and facilitating middle housing development. For example, the legislature passed House Bill 1293 in May 2023 that streamlines development regulations (Washington State Legislature, 2023b). The law requires Seattle to adopt and apply objective regulations to the exterior design of residential buildings and give a final permitting decision within 120 days. By design, HB 1293 ensures that new housing projects do not face costly and timely delays that restrict housing development. Similarly, Senate Bill 5290 consolidates local permit review processes (Washington State Legislature, 2023d). On the other hand, House Bill 1337 expands housing diversity and eases barriers to developing ADUs (Washington State Legislature, 2023c). Among many provisions, the bill permits up to two ADUs per single-family lot and reduces overly burdensome design standards. HB 1293, SB

5290, and HB 1337 remove barriers and expand development potential for smaller, more affordable housing types.

Continuous stakeholder engagement is critical to addressing barriers and facilitating middle housing development. By intentionally designing an inclusive public engagement plan, Minneapolis worked with constituents from diverse backgrounds, including underrepresented groups, to pursue progressive strategies that addressed equity and housing access concerns. For this reason, Minneapolis became the first major city to eliminate single-family zoning while making historical investments in affordable housing. In Portland, the City solicited expertise from the development community while also involving the public at every step to ensure transparent and responsive engagement. This led to the creation of a flexible and adaptive program that effectively increases middle housing development. In contrast, it's also important to be wary of powerful interest groups that may not accurately represent the sentiments of the vast majority of constituents. California's SB 9 was impacted by concessions made for powerful interest groups, including neighborhood and homeowner associations. Specifically, the owner-occupancy requirement was added to appease concerns of profiteering by developers. This creates greater restrictions on developing middle housing. Future amendments to the bill should consider changes that limit redevelopment options while remaining flexible.

## **6. KEY CONSIDERATIONS**

When adopting and implementing best practices and strategies for facilitating the development of middle housing types, it's important to recognize the complex relationship between housing development, zoning regulations, and land use policies. Historically, zoning has been used as a tool for exclusion - segregating housing and building types, racial and ethnic

groups, and socioeconomic classes. It has also contributed to limiting housing supply, raising housing costs, and restricting economic mobility. At the same time, zoning offers many benefits, including conserving environmentally sensitive areas, preserving historical and cultural assets, protecting open space, and siloing nuisances and noxious industries. With over a century of zoning regulations and land use policies built up in cities across the nation, the process of undoing the harmful impacts while maintaining the favorable aspects will take time.

The case studies in this research offer important insights into effective strategies for facilitating middle housing development in Seattle under HB 1110. While the law lays the groundwork for legalizing middle housing types in single-family neighborhoods, more work is needed to ensure middle housing is built. The successes and failures of Minneapolis, Portland, and Los Angeles highlight five key considerations listed below for Seattle's implementation of HB 1110. In the long-term, these considerations are important to the overall sustainability and viability of middle housing production. However, in the short-term, there are several considerations that should be prioritized in order to effectively reduce barriers and boost middle housing supply. In particular, adopting standards that go beyond state baselines requirements and creating flexible design standards are critical to facilitating the development of middle housing types. Los Angeles, under SB 9, offers a cautionary tale of what can happen when a city doesn't adopt its own set of standards that reduce barriers and boost middle housing supply. On the other hand, Portland's flexible design standards implemented under the Residential Infill Project demonstrate the effectiveness of modifying standards to facilitate middle housing development. The following key considerations are ordered by priority to help facilitate Seattle's implementation of HB 1110:

## **1. Adopt standards that go beyond state baseline requirements.**

While the passage of HB 1110 into law removes the political hurdle of passing zoning reform and sets baseline standards, it is important to recognize that additional barriers and opportunities exist. The bill provides a useful framework for increasing middle housing production and accommodating greater density, but it does not adequately address the unique challenges that Seattle faces. Development barriers, including but not limited to design standards, permitting processes, and financial constraints, restrict the potential of HB 1110 to effectively address the housing shortage and provide diverse housing choices. The City should work with stakeholders, including homeowners and the development community, to identify barriers that persist and foster dialogue on the best practices and solutions to ensure construction feasibility. Additionally, every neighborhood in Seattle is uniquely positioned to absorb its share of middle housing development, and therefore it's important that communities are included within the decision making process. To prevent displacement and further harm to marginalized communities, it is important that strategies actively respond to community needs.

In Los Angeles, for example, the City implemented the requirements set by the state under SB 9 without making supplementary changes that respond to the City's unique challenges. This has resulted in a very modest number of units built as developers face additional constraints and barriers embedded within zoning regulations, design standards, permitting processes, and land use policies. If the baseline standards set by SB 9 prevent developers from building, then housing will simply continue to not be built. Additionally, the stipulations that were placed in the bill to ensure that homeowners almost exclusively benefit from SB 9 has limited development potential. Homeowners face significant financial challenges to building middle housing units and

often do not have the capacity to take on the financial risk associated with developing multiple units. By not responding to these challenges, Los Angeles will likely continue to see poor results.

In contrast, Portland not only met the State of Oregon's requirements under HB 2001, but the City also implemented its own standards under the Residential Infill Project that exceeded the State's baseline standards. For example, RIP removes parking requirements, creates greater flexibility in height and floor area ratio requirements, and provides an affordability bonus that allows developers to build up to six units if one unit is designated for affordable housing. The City also responds to changing demographics, including an aging population, by setting visitability requirements for new construction with three or more units to make units accessible for people with mobility issues. Additionally, the City set a maximum building size so that new homes are smaller in scale and therefore more affordable than the micro-mansions that have popped up across the city in recent years. These examples demonstrate the advantages and benefits of going above and beyond state requirements to respond to local challenges and successfully produce middle housing units that meet the needs of varying household types.

## **2. Create flexible design standards to facilitate middle housing production.**

Although permitting more homes on traditional single-family lots increases development potential, it is difficult to develop additional housing units when development is required to fit within the exact same building envelope as a single-family home. Middle housing units should be permitted to scale incrementally with each additional unit, providing an increase in building area that is compatible with the number of units. It is typical for cities, including Seattle, to restrict development through standards such as floor area ratio (FAR) requirements, heights,

setbacks, easements, and parking. By providing greater flexibility in these standards, the City could ease stringent restrictions that prohibit middle housing production.

In Minneapolis and Los Angeles, the cities allowed increased density but didn't modify standards to expand development feasibility. Duplexes and triplexes in Minneapolis, and duplexes in Los Angeles, are held to the same standards as single-family homes. Therefore, smaller middle housing units are required to meet the same requirements as larger single-family homes. This has contributed to less homes being permitted and built in these cities. Additionally, Los Angeles requires new SB 9 units to provide a covered parking space per unit unless located near a major transit stop. Not only does this increase the cost of construction, but it also limits development feasibility.

In contrast, Portland has implemented incremental design standards that provide greater flexibility. By intentionally modifying standards to respond to the unique needs of multi-unit buildings, the City has experienced greater success in facilitating middle housing production. For example, under the Residential Infill Project, Portland allows each additional unit greater height and bulk allowances. A newly constructed single-family home is permitted to have a floor area ratio of 0.5, while duplexes, triplexes, and fourplexes are permitted to have ratios of 0.6, 0.7, and 0.8 respectively. In other words, on a 5,000 square foot lot a single-family home is permitted to be built up to 2,500 square feet while a fourplex can be constructed up to 4,000 square feet. This creates much needed flexibility for developers to create housing while not overwhelming adjacent development. In addition to providing general flexibility to developers, Portland also incentivizes affordable housing through bonus floor area allowances. Any development that meets specific criteria, including setting aside at least one unit for households earning less than 60 percent AMI, is granted bonus floor area to maximize development capacity.

### **3. Provide technical assistance and clear guidance to homeowners and developers.**

With the adoption of new zoning regulations and modifications to existing land use policies and processes, it is important to provide clarity, direction, and guidance to ensure implementation leads to improved outcomes for middle housing. Although developers may be adept at navigating development processes, there is uncertainty as changes are occurring across multiple regulatory tools ranging from design standards and building codes to zoning regulations and land use policies. Additionally, as state mandated requirements supersede local regulations there is confusion around how state laws impact specific jurisdictions. For homeowners, this can be a deeply complex and difficult process to comprehend and navigate. Therefore, providing technical assistance and creating interactive and informational tools such as a website landing page can provide greater clarity for all participating stakeholders. Seattle's ADUniverse, an online resource for building ADUs in the city, is a great example of this (City of Seattle, n.d.).

Homestead, a Los Angeles based organization, has led the way in providing guidance and support for homeowners and developers on the implementation of SB 9 (Homestead, 2023). The company provides guides for all cities impacted by the bill, including rating each jurisdiction based on their receptiveness to SB 9. The guides provide information on where SB 9 units can be built, what can be built, renting and selling restrictions, and other eligibility requirements. In addition, the City of Los Angeles has created a landing page with information and resources to aid in developing SB 9 units. In Portland, the City has also created a website landing page that includes background information, zoning and design guidance, and supporting resources.

Similarly, the City of Minneapolis created a website for its comprehensive plan that has information about the plan, zoning and land use changes, and resources.

#### **4. Streamline permitting and development processes to reduce barriers and costs.**

Complex permitting and development processes create unnecessary barriers for developers and homeowners who are seeking to build middle housing units. Not only do they impose excessive fees and costs on development, but they also create time constraints and suppress the construction of new housing. Additional costs incurred during the permitting processes are passed on to consumers in the form of housing costs, while time-consuming and convoluted processes delay construction timelines and hinder potential development opportunities. By streamlining these onerous processes, the City could facilitate and expedite much needed middle housing development.

Portland is a great, but unfortunate, example of how complex permitting processes restrict housing development. The City's plan approval process is spread across seven bureaus and includes 17 plan reviews ranging from structural quality to environmental review (Caballero, 2021). A delay of even just one of those reviews can lead to a significant lag in the entire process. For Portland, the process is nearly always delayed. For example, an audit released in 2021 found that the City only provided timely reviews for 7 percent of new residential projects in 2019 (Ellis, 2021). These setbacks have consequences, including unpredictable timelines, delays in construction, and cost constraints. In July 2022, the wait time for receiving a new building permit was nearly 200 days, twice as long as the 100-day waiting period in 2019 (Wing, 2022).

This lengthy process restricts housing developers ability to produce middle housing types in a timely manner.

In contrast, California's SB 9 requires all impacted jurisdictions to undergo ministerial review and apply objective design standards. These requirements remove subjective judgment and help expedite the approval process. In addition, California's SB 450, which has not yet passed, would require SB 9 unit permit applications to be approved or denied within 60 days (Office of Senator Atkins, n.d.). This could significantly improve the timeline for producing missing middle units if passed. In Oregon, SB 458 streamlines and expedites the land division process for middle housing units. The bill saves developers valuable time and costs associated with lot splitting. While Oregon's SB 458 and California's SB 9 and SB 450 are state-level laws, the principles of these laws can influence the creation of local ordinances and processes. Overall, consistency and predictability are critical to facilitating middle housing development.

## **5. Ease financial constraints and expand subsidies and incentives.**

Despite removing legal barriers that prevent cities from increasing density in single-family zones, middle housing development comes with its own unique financial challenges and constraints. Homeowners and developers lack financing options that are necessary to build middle housing. Traditional loans and funding sources are often ineligible to be used toward funding this type of construction, or are inadequately equipped to cover the full costs associated with multi-unit development. Banks and lending institutions are slow or reluctant to design loans and funding mechanisms that are appropriate for middle housing. Of the financing options available, lenders often don't consider the potential rental income that could be generated from these units, which decreases the amount they are willing to lend. According to

the Urban Institute, there are five mechanisms that homeowners use to finance middle housing: cash savings or other liquid assets, lines of credit through home equity, cash-out refinancing, renovation loans, or construction loans (Walsh & Choi, 2022). Each of which present their own series of challenges and limitations, and all of which are largely out of reach for low-income homeowners.

Developers and homeowners in Minneapolis, Portland, and Los Angeles face similar financial challenges and constraints as a result of the financing industry not meeting the demand for middle housing. With the average cost to build a detached ADU ranging from \$150,000 to \$300,000 in Los Angeles County, residents of Los Angeles face significant barriers to developing duplexes under SB 9 as development is even more costly due to building scale and permitting processes (Inclusive Action for Cities, 2021). The owner-occupancy requirement under the bill as well as renting and selling restrictions creates even more financial challenges and risks. Minneapolis and Portland developers and homeowners may not face owner-occupancy challenges, but they do face similar building costs and lack of financing options.

To aid in addressing financing feasibility, Minneapolis implemented the Missing Middle Housing Pilot program to help fund and provide gap financing for middle housing projects ranging in scale from two to twenty units. While only \$500,000 in funds were made available for affordable middle housing unit development, the program experienced significant support and buy-in from developers. Unfortunately, funding for this program has been discontinued. Additionally, the Minneapolis Homes program provides funding opportunities and financing options for affordable homeownership development including for the production of middle housing types. In Portland, the City's Deeper Housing Affordability program provides a density bonus to middle housing projects that include at least one affordable unit. The program

incentivizes building more affordable housing while also expanding financial feasibility for developers by increasing their profit margins.

## **7. CONCLUSION**

Zoning reform can support local jurisdictions and their efforts to meet the needs of current and future generations. By eliminating and reducing barriers that restrict development, cities have the potential to increase the supply of middle housing and a diverse range of housing types. However, eliminating single-family zoning by itself is not an effective strategy to facilitate the production of middle housing. Simply allowing more homes on single-family lots ignores the impact of over a century of exclusionary zoning policies that have prohibited multifamily housing types and limited access to housing. As Seattle implements HB 1110 locally, the City should be mindful of all the regulatory barriers and financial constraints that impede housing development. The successes of Portland's Residential Infill Project and the limitations of Minneapolis and Los Angeles's reforms demonstrate the obstacles and opportunities for developing middle housing. This research finds that zoning reform can be used as a tool for Seattle to legalize and spur middle housing development. HB 1110 is one of the most consequential pieces of legislation aimed at housing development in Washington State. By going beyond baseline standards, creating flexible design standards, easing financial constraints, providing clear guidance, and streamlining permitting and monitoring processes, Seattle will boost its middle housing supply and expand housing choice. Future research is needed to better understand what incentives are the most effective at expanding middle housing production.

There are several limitations of this research, including the impact of the COVID-19 pandemic and the scope of the zoning reforms. The COVID-19 pandemic has had a profound

impact on housing development in cities across the country. Minneapolis, Portland, and Los Angeles are no exception. Minneapolis implemented its zoning reforms in 2020, Portland in 2021, and Los Angeles in 2022, each at varying stages of the global pandemic. The Biden Administration officially declared an end to the U.S. national emergency for COVID-19 in April 2023 (The Associated Press, 2023). Though the pandemic is no longer a major public health concern, the development community continues to experience the impacts of supply chain disruptions, rising construction costs, and high inflation rates. Each of these factors raise the costs of construction and constrain development. These factors could play a role in the housing outcomes of each locality explored in this research.

It is also important to note the differing scope and design of each reform, making it difficult to compare findings across cases. Minneapolis implemented a package of reforms that accompanied eliminating single-family zoning. Portland implemented its own set of reforms in addition to eliminating single-family zoning and aligning with the state's middle housing legislation. Los Angeles solely implemented the State of California's requirements under SB 9. While these differing reforms offer insights, it's difficult to decipher whether specific reforms have created the greatest impact on housing development.

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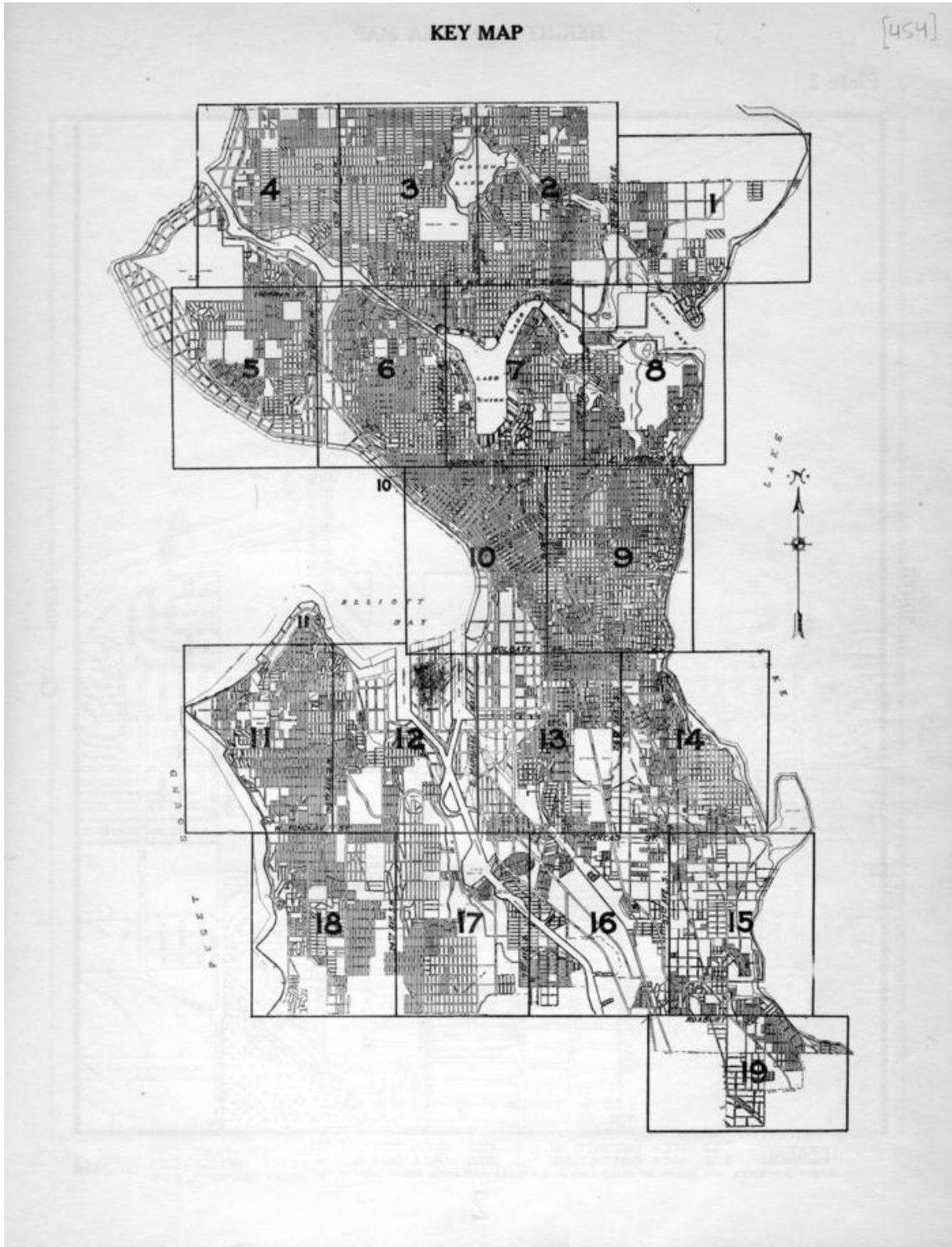
# APPENDIX A: HISTORICAL ZONING MAPS

Figure A1: 1917 Building District Map (Downtown Districts)



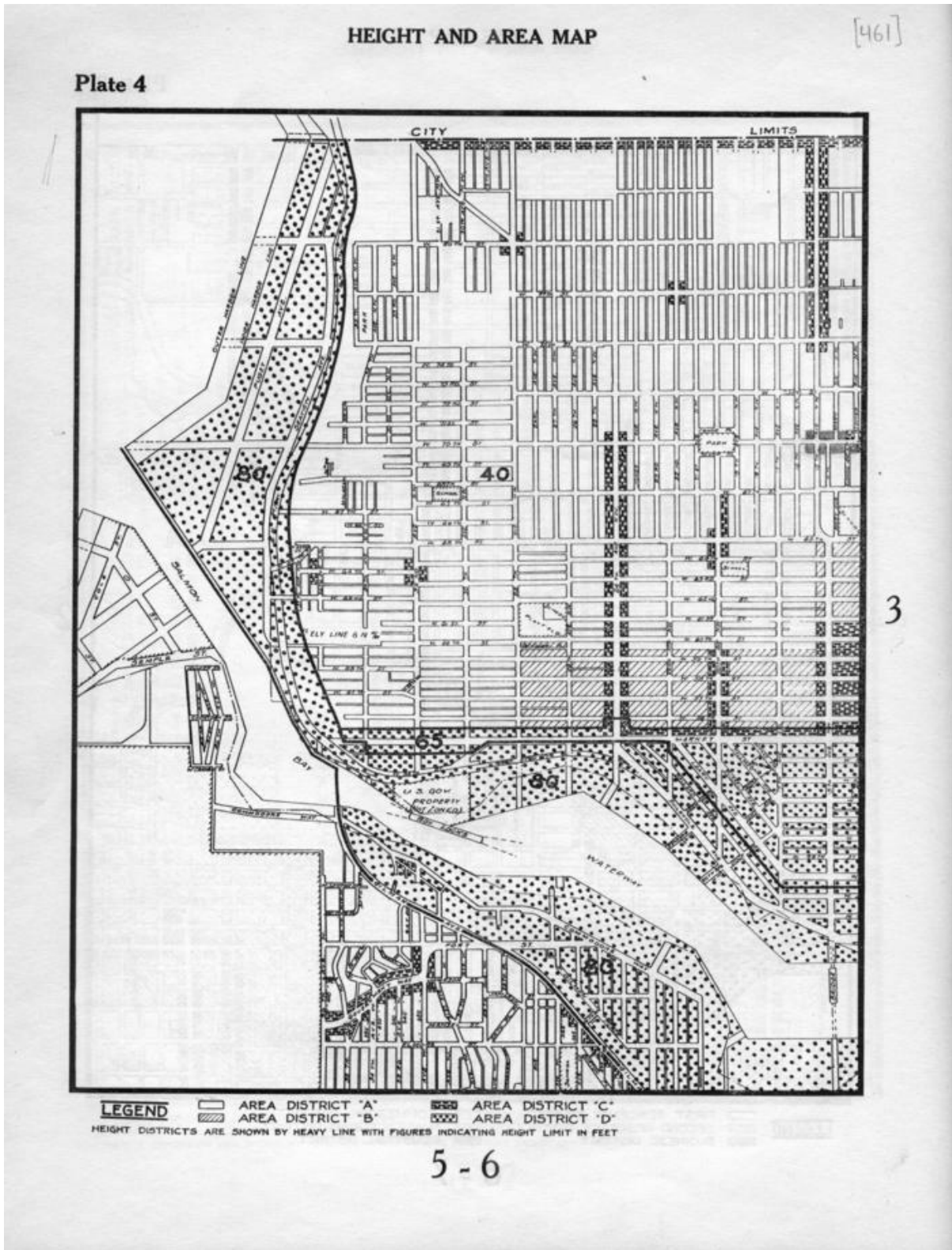
Source: Sightline Institute

Figure A2: 1923 Zoning Map Key



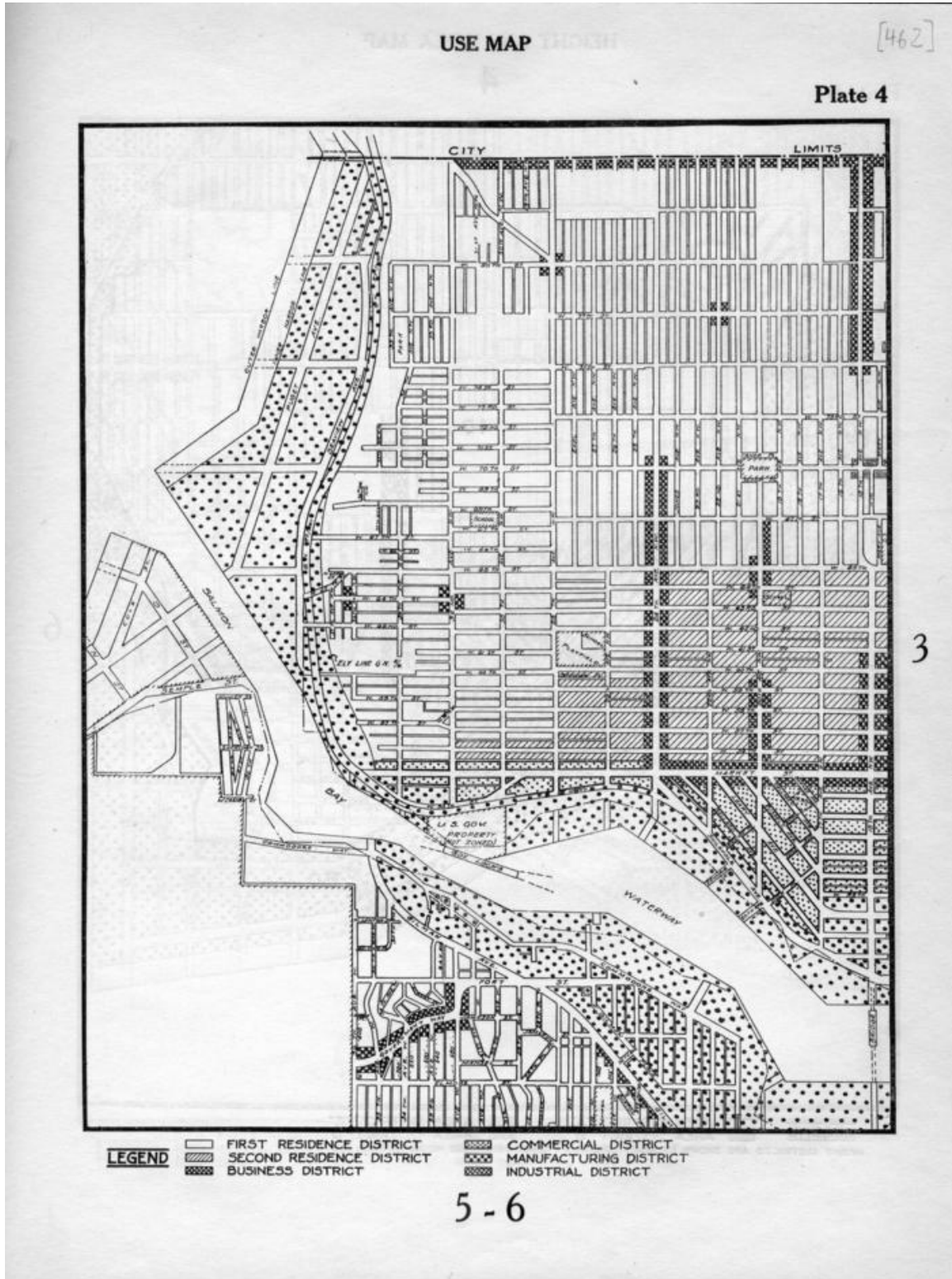
Source: City of Seattle

Figure A3: 1923 Height and Area Zoning Map, Plate 10 (Ballard neighborhood)



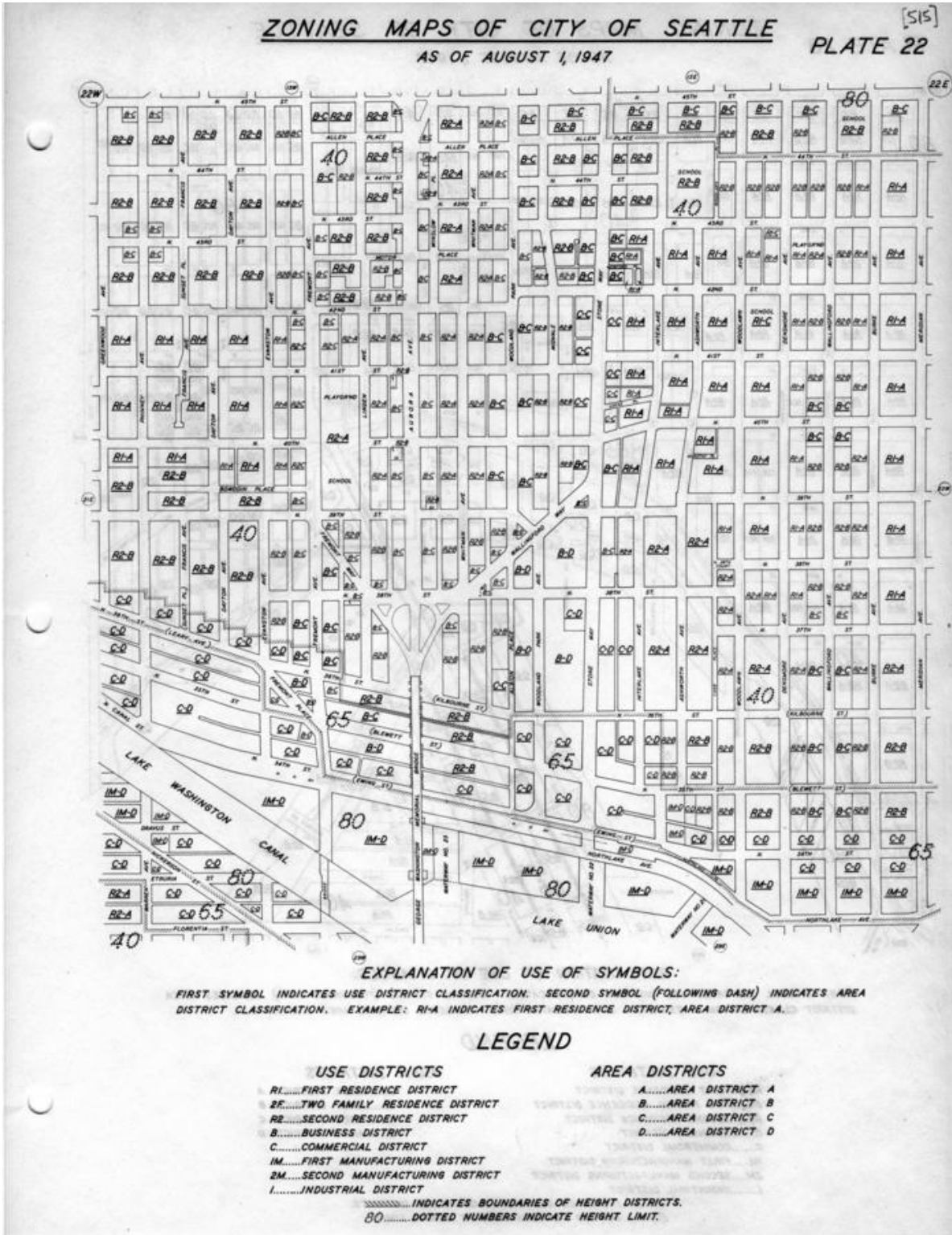
Source: City of Seattle

Figure A4: 1923 Use Zoning Map, Plate 10 (Ballard Neighborhood)



Source: City of Seattle

Figure A5:1947 Zoning Map (Wallingford & Fremont Neighborhoods)



Source: City of Seattle

Figure A6: Excerpt from 1957 Comprehensive Plan

ARTICLE 4

MAPPED ZONES

28.

Section 4.1 Zones

4.11 Zone Classifications

57  
1225

(a) For the purpose of this Ordinance, the City of Seattle is hereby divided into sixteen (16) zone classifications designated as

follows:

90110  
92059  
93350  
94036  
96202  
98395  
98608  
98838

| <u>Zones</u>                                       | Abbreviated<br>Designator |
|--|---------------------------|
| Single Family Residence Low Density <u>Zone</u>    | RS 9600                   |
| Single Family Residence Medium Density <u>Zone</u> | RS 7200                   |
| Single Family Residence High Density <u>Zone</u>   | RS 5000                   |
| Residence Waterfront <u>Zone</u>                   | RW                        |
| Duplex Residence Medium Density <u>Zone</u>        | RD 7200                   |
| Duplex Residence High Density <u>Zone</u>          | RD 5000                   |
| Multiple Residence Low Density <u>Zone</u>         | RM                        |
| Multiple Residence High Density <u>Zone</u>        | RMH                       |
| Neighborhood Business <u>Zone</u>                  | BN                        |
| Community Business <u>Zone</u>                     | BC                        |
| Metropolitan Business <u>Zone</u>                  | BM                        |
| Metropolitan Commercial <u>Zone</u>                | CM                        |
| General Commerical <u>Zone</u>                     | CG                        |
| Manufacturing <u>Zone</u>                          | M                         |
| General Industrial <u>Zone</u>                     | IG                        |
| Heavy Industrial <u>Zone</u>                       | IH                        |

Source: Sightline Institute

## APPENDIX B: MINNEAPOLIS, MN

**Table B.1 Minneapolis 2040 Zoning Reforms Summary**

| Reform                       | Details  |
|------------------------------|--|
| Single-family Zoning         | <ul style="list-style-type: none"> <li>● Permits up to three units per lot in traditional single-family zones, including the following options:               <ul style="list-style-type: none"> <li>○ Single-family</li> <li>○ Duplex</li> <li>○ Triplex</li> <li>○ ADU</li> </ul> </li> </ul>  |
| Transit-oriented Development | <ul style="list-style-type: none"> <li>● Permits the construction of 3-6 story buildings near major transit stops</li> </ul>   |
| Parking                      | <ul style="list-style-type: none"> <li>● Eliminates off-street parking minimums citywide</li> <li>● Incrementally lowers maximum parking allowances citywide</li> <li>● Increases bicycle parking requirements</li> </ul>  |
| Inclusionary Zoning          | <ul style="list-style-type: none"> <li>● Requires new residential development with 20 or more units to include affordable units; developers must choose between on-site or alternative compliance options:               <p style="margin-left: 20px;">On-site compliance options:</p> <ul style="list-style-type: none"> <li>○ Provide 8% of units affordable at or below 60% AMI for 20 years and receive no financial assistance from the City</li> <li>○ Provide 4% of units affordable at or below 30% AMI for 20 years and receive no financial assistance from the City</li> <li>○ Provide 20% of units affordable at or below 50% AMI for 30 years and receive financial assistance from the City</li> </ul> <p style="margin-left: 20px;">Alternative compliance options:</p> </li> </ul> |

|   |  |
|---|--|
|   | <ul style="list-style-type: none"> <li>○ Pay an in-lieu fee</li> <li>○ Produce required units off-site or preserve existing affordable housing within ½ mile of the proposed project</li> <li>○ Donate land to the City</li> </ul>   |
| <p>Affordable Housing Investments</p>       | <ul style="list-style-type: none"> <li>● Increased the 2019 budget for affordable housing initiatives from \$15 million to \$40 million, infusing a one-time spending of \$25 million into the following programs: <ul style="list-style-type: none"> <li>○ \$14,345,000 for Affordable Housing Trust Fund</li> <li>○ \$4,050,000 for Minneapolis Homes</li> <li>○ \$3,350,000 for Healthy Homes, Healthy Schools</li> <li>○ \$3,300,000 for NOAH preservation</li> <li>○ \$1,500,000 for housing stabilization</li> <li>○ \$750,000 for homeownership rehab</li> <li>○ \$500,000 for Missing Middle Housing Pilot</li> <li>○ \$50,000 for homeownership education and counseling</li> <li>○ \$175,000 for tenant legal services</li> <li>○ \$150,000 for eviction representation pilot</li> <li>○ \$125,000 for tenant hotline</li> </ul> </li> </ul> |
| <p>Missing Middle Housing Pilot Program</p> | <ul style="list-style-type: none"> <li>● Invested \$500,000 to fund the program</li> <li>● Aims to produce rental buildings between 2-20 units on vacant lots for households earning at or below 50% AMI</li> <li>● Provides gap financing for projects, structured as a 0% interest loan for 30 years</li> <li>● Gap financing will provide up to \$70,000 per unit; up to \$95,000 for developers with a demonstrated need</li> <li>● A minimum of 20% of the units must be affordable to households earning at or below 50% AMI, units must be affordable for 30 years</li> </ul>   |

Source: City of Minneapolis

## Figure B.1 Minneapolis 2040 Stakeholders

Stakeholder groups the City of Minneapolis identified as important to engage:

- The general public
- Cultural organizations
- Recent immigrants
- Homeless population
- Accessibility population
- Residents
- Public agencies
- Business associations
- Property owners
- Youth and families
- Seniors
- Neighborhood organizations
- Developers and brokers
- Policy advocates
- Media outlets
- Social media users
- College students
- Institutions
- Small business owners
- Tourists and visitors

Source: City of Minneapolis

## APPENDIX C: PORTLAND, OR

**Table C.1 Portland Residential Infill Project Zoning Reforms Summary**

| Reform                     | Details   |
|----------------------------|---|
| Single-family Zoning       | <ul style="list-style-type: none"> <li>● Permits up to four units per lot in traditional single-family zones, including the following options:               <ul style="list-style-type: none"> <li>1 to 6 unit Building Options                   <ul style="list-style-type: none"> <li>○ Single-family</li> <li>○ Duplex</li> <li>○ Triplex</li> <li>○ Fourplex</li> <li>○ Fiveplex (if affordability requirements are met)</li> <li>○ Sixplex (if affordability requirements are met)</li> </ul> </li> <li>Accessory Dwelling Unit Options                   <ul style="list-style-type: none"> <li>○ House + 1 ADU</li> <li>○ House + 2 ADUs</li> <li>○ Duplex + 1 ADU</li> </ul> </li> <li>Detached Unit Options                   <ul style="list-style-type: none"> <li>○ Detached duplex</li> <li>○ Cottage cluster</li> </ul> </li> <li>Fee-simple Ownership Options                   <ul style="list-style-type: none"> <li>○ Attached houses (on standard lots)</li> <li>○ Attached houses (on narrow lots)</li> </ul> </li> </ul> </li> </ul> |
| Deeper Affordability Bonus | <ul style="list-style-type: none"> <li>● Permits fiveplexes and sixplexes in traditional single-family zones if at least one unit is made affordable for households earning at or below 60% AMI (see Floor Area Ratio reform for information on the incentive bonus)</li> </ul>   |
| Parking                    | <ul style="list-style-type: none"> <li>● Removes off-street parking minimums in single-family zones</li> </ul>  |

| <p>Visitability</p>                           | <ul style="list-style-type: none"> <li>● Middle housing with 3 or more units must be visitable: <ul style="list-style-type: none"> <li>○ No step entry</li> <li>○ Wider doorways</li> <li>○ Bathroom and living area on ground floor</li> </ul> </li> </ul>  |       |     |     |     |      |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |       |    |     |     |    |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |
|---|--|-------|-----|-----|-----|------|----|------|---|----------|-----|-----|-----|-----|-----|---|----------|-----|-----|-----|-----|-----|---|----------|-----|-----|-----|-----|-----|----|----------|-----|-----|-----|-----|-----|-------|----|-----|-----|----|----|------|---|----------|-----|-----|-----|-----|-----|---|----------|-----|-----|-----|-----|-----|---|----------|-----|-----|-----|-----|-----|----|----------|-----|-----|-----|-----|-----|
| <p>Minimum Lot Size</p>                       | <ul style="list-style-type: none"> <li>● Sets minimum lots size for housing options based on zone: <ul style="list-style-type: none"> <li>○ Zone R2.5: 1,500 square feet</li> <li>○ Zone R5: 3,000</li> <li>○ Zone R7: 4,200 square feet</li> <li>○ Zone R10: 6,000 square feet</li> <li>○ Zone R20: 12,000 square feet</li> </ul> </li> </ul>   |       |     |     |     |      |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |       |    |     |     |    |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |
| <p>Floor Area Ratio (FAR) &amp; Bonus FAR</p> | <ul style="list-style-type: none"> <li>● Establishes new maximum allowed floor area ratios, depending on zone and number of units: <table border="1" data-bbox="566 877 1404 1197"> <thead> <tr> <th>Units</th> <th>RF</th> <th>R20</th> <th>R10</th> <th>R7</th> <th>R5</th> <th>R2.5</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>No limit</td> <td>0.4</td> <td>0.4</td> <td>0.4</td> <td>0.5</td> <td>0.7</td> </tr> <tr> <td>2</td> <td>No limit</td> <td>0.5</td> <td>0.5</td> <td>0.5</td> <td>0.6</td> <td>0.8</td> </tr> <tr> <td>3</td> <td>No limit</td> <td>0.6</td> <td>0.6</td> <td>0.6</td> <td>0.7</td> <td>0.9</td> </tr> <tr> <td>4+</td> <td>No limit</td> <td>0.7</td> <td>0.7</td> <td>0.7</td> <td>0.8</td> <td>1.0</td> </tr> </tbody> </table> </li> <li>● Provides an incentive bonus of additional floor area for projects that meet the following requirements: <ul style="list-style-type: none"> <li>○ Affordable Housing: provide at least one unit affordable to households earning 60% AMI</li> <li>○ Existing Housing: received final inspection 5 years prior and cannot alter more than 25% of facade</li> </ul> <table border="1" data-bbox="547 1465 1401 1782"> <thead> <tr> <th>Units</th> <th>RF</th> <th>R20</th> <th>R10</th> <th>R7</th> <th>R5</th> <th>R2.5</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>No limit</td> <td>0.4</td> <td>0.4</td> <td>0.4</td> <td>0.5</td> <td>0.7</td> </tr> <tr> <td>2</td> <td>No limit</td> <td>0.5</td> <td>0.5</td> <td>0.5</td> <td>0.6</td> <td>0.8</td> </tr> <tr> <td>3</td> <td>No limit</td> <td>0.6</td> <td>0.6</td> <td>0.6</td> <td>0.7</td> <td>0.9</td> </tr> <tr> <td>4+</td> <td>No limit</td> <td>0.7</td> <td>0.7</td> <td>0.7</td> <td>0.8</td> <td>1.0</td> </tr> </tbody> </table> </li> </ul> | Units | RF  | R20 | R10 | R7   | R5 | R2.5 | 1 | No limit | 0.4 | 0.4 | 0.4 | 0.5 | 0.7 | 2 | No limit | 0.5 | 0.5 | 0.5 | 0.6 | 0.8 | 3 | No limit | 0.6 | 0.6 | 0.6 | 0.7 | 0.9 | 4+ | No limit | 0.7 | 0.7 | 0.7 | 0.8 | 1.0 | Units | RF | R20 | R10 | R7 | R5 | R2.5 | 1 | No limit | 0.4 | 0.4 | 0.4 | 0.5 | 0.7 | 2 | No limit | 0.5 | 0.5 | 0.5 | 0.6 | 0.8 | 3 | No limit | 0.6 | 0.6 | 0.6 | 0.7 | 0.9 | 4+ | No limit | 0.7 | 0.7 | 0.7 | 0.8 | 1.0 |
| Units   | RF   | R20   | R10 | R7  | R5  | R2.5 |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |       |    |     |     |    |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |
| 1   | No limit   | 0.4   | 0.4 | 0.4 | 0.5 | 0.7  |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |       |    |     |     |    |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |
| 2   | No limit   | 0.5   | 0.5 | 0.5 | 0.6 | 0.8  |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |       |    |     |     |    |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |
| 3   | No limit   | 0.6   | 0.6 | 0.6 | 0.7 | 0.9  |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |       |    |     |     |    |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |
| 4+  | No limit   | 0.7   | 0.7 | 0.7 | 0.8 | 1.0  |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |       |    |     |     |    |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |
| Units   | RF   | R20   | R10 | R7  | R5  | R2.5 |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |       |    |     |     |    |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |
| 1   | No limit   | 0.4   | 0.4 | 0.4 | 0.5 | 0.7  |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |       |    |     |     |    |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |
| 2   | No limit   | 0.5   | 0.5 | 0.5 | 0.6 | 0.8  |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |       |    |     |     |    |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |
| 3   | No limit   | 0.6   | 0.6 | 0.6 | 0.7 | 0.9  |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |       |    |     |     |    |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |
| 4+  | No limit   | 0.7   | 0.7 | 0.7 | 0.8 | 1.0  |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |       |    |     |     |    |    |      |   |          |     |     |     |     |     |   |          |     |     |     |     |     |   |          |     |     |     |     |     |    |          |     |     |     |     |     |

|                             |  |
|-----------------------------|--|
| Land Division               | <ul style="list-style-type: none"> <li>● Streamlines the land division process for middle housing types</li> <li>● Only applicable for duplex, triplex, fourplex, and cottage cluster development</li> <li>● Only one unit allowed per lot, including no ADUs</li> </ul>   |
| Narrow Lot Development      | <ul style="list-style-type: none"> <li>● Facilitates development on historical narrow lots (lots less than 32 feet wide)</li> </ul>  |
| Height                      | <ul style="list-style-type: none"> <li>● Changes the way height is measured to account for how building heights are perceived</li> <li>● Height measurements are determined based on roof type, including dormers</li> </ul>   |
| Cottage Cluster Development | <ul style="list-style-type: none"> <li>● Permits cottage cluster development of between 3-16 units in certain zones throughout the city</li> </ul>   |
| Attached Housing            | <ul style="list-style-type: none"> <li>● Modifies density calculations to allow attached housing types at roughly the same density as triplexes and fourplexes</li> </ul>  |
| Retaining Existing Housing  | <ul style="list-style-type: none"> <li>● Offers bonus floor area incentives for retaining existing housing units</li> </ul>  |
| Double ADUs                 | <ul style="list-style-type: none"> <li>● Permits up to two ADUs on lots with houses, attached houses, and manufactured homes: <ul style="list-style-type: none"> <li>○ ADU must have frontage on a maintained street</li> <li>○ One ADU may be part of the house while another is detached or two ADUs may be detached; two attached ADUs are not allowed</li> </ul> </li> <li>● Additional floor area is given to ADUs built on lots with three or more units</li> <li>● One ADU unit must meet visitability standards</li> </ul> |

Source: City of Portland

## Figure C1: Residential Infill Project Stakeholders

Portland Stakeholder groups identified by the City as important to engage:

- Neighborhood associations and coalitions
- Developers and investors
- Architects and designers
- Historic preservation advocates
- Affordable housing developers
- Renters
- Homebiyers
- House/land sellers
- School districts
- Communities of Color
- Real estate brokers/agents
- Current residents not active in neighborhood associations
- Environmental and sustainability interests

Source: City of Portland

## **Figure C2: Residential Infill Project Stakeholder Advisory Committee (SAC)**

### Stakeholder Advisory Committee (SAC):

1. Linda Bauer, Appointee - East Portland Action Plan
2. Sarah Cantine, Architect - Scott Edwards Architects
3. Alan DeLaToree, Ph.D., Research Associate - Institute on Aging, Portland State University
4. Jim Gorter, Appointee - Southwest Neighbors, Inc.
5. John Hasenberg, Architect - John Hasenberg Architects
6. Marshall Johnson, Residential Section Manager - Energy Trust of Oregon
7. Emily Kemper, Senior Engineering Manager - CLEARResult
8. Douglas MacLeod, Appointee - Home Builders Association (PDX)
9. Mary Kyle McCurdy, Policy Director - 1000 Friends of Oregon
10. Maggie McGann, Project Manager - Habitat for Humanity/Metro East
11. Rod Merrick, Principal - Merrick Architecture Planning
12. Rick Michaelson, Appointee - Neighbors West/Northwest
13. Mike Mitchoff, Co-Owner - Portland Houseworks
14. Michael Molinaro, Appointee - Southeast Uplift
15. Danell Norby, Urban Planner - City of Vancouver, WA
16. Douglas Reed, Appointee - East Portland Neighborhood Office
17. Vic Remmers, President and Owner - Everett Custom Homes
18. Young Sun Song, Appointee - Immigrant and Refugee Community Organization (IRCO)
19. Brandon Spencer-Hartle, Field Program Manager - Restore Oregon
20. Eli Spevak, Owner - Orange Spot, LLC
21. Teresa St. Martin - Planning and Sustainability Commissioner, City of Portland
22. Barbara Strunk, Appointee - United Neighborhoods for Reform
23. David Sweet, Appointee - Central Northeast Neighbors
24. Eric Thompson, Appointee - Home Builders Association (PDX)
25. Garlynn Woodson, Appointee - Northeast Coalition of Neighbors
26. Tatiana Xenelus- Mendoza, Appointee - North Portland Neighborhood Association

Source: City of Portland

## APPENDIX D: LOS ANGELES, CA

**Table D1: Los Angeles SB 9 Zoning Reforms Summary**

| Reform               | Details   |
|----------------------|---|
| Single-family Zoning | <ul style="list-style-type: none"> <li>● Permits up to two units per lot (and up to four units per lot if the lot is subdivided) in traditional single-family zones, including the following options:               <ul style="list-style-type: none"> <li>○ Single-family</li> <li>○ Duplex</li> <li>○ ADU</li> <li>○ Junior ADU (JADU)</li> </ul> </li> </ul>   |
| Lot Split            | <ul style="list-style-type: none"> <li>● Provides a streamlined process for subdividing single-family lots into two new parcels</li> <li>● An owner-occupancy requirement limits lot splits to homeowners (and developers) who sign an affidavit of intent that one of the units will serve as their primary residence for three years</li> <li>● Parcels can only undergo lot splits once</li> <li>● The same homeowner (or developer) can't undergo a lot split on two adjacent properties, only allowed one lot split</li> </ul> |
| Ministerial Review   | <ul style="list-style-type: none"> <li>● All SB 9 units are required to be approved using a ministerial review process which is non-discretionary and based on objective design standards</li> </ul>  |
| Objective Standards  | <ul style="list-style-type: none"> <li>● SB 9 units are required to be approved using objective design standards that involve no subjective judgment</li> </ul>   |
| Demolition           | <ul style="list-style-type: none"> <li>● Limits demolitions to create SB 9 units, including protecting:               <ul style="list-style-type: none"> <li>○ Low-income housing</li> <li>○ Rent-controlled housing</li> <li>○ Tenant-occupied housing (within the past three years)</li> </ul> </li> </ul>  |

|                   |   |
|-------------------|---|
| Renting & Selling | <ul style="list-style-type: none"> <li>● Sets renting requirements for SB 9 units, including: <ul style="list-style-type: none"> <li>○ Minimum rental period of 30 days</li> <li>○ For lot splits, one unit must be owner occupied for three years</li> <li>○ For two-unit projects, all units can be rented</li> </ul> </li> <li>● Sets selling requirements for SB 9 units, including: <ul style="list-style-type: none"> <li>○ For lot splits, one unit must be owner occupied for three years</li> <li>○ For two-unit projects, units can't be sold separately</li> </ul> </li> </ul> |
| Parking           | <ul style="list-style-type: none"> <li>● One covered parking space is required per unit unless located within a half mile radius of major transit stops</li> </ul>  |
| Setbacks          | <ul style="list-style-type: none"> <li>● Mandates that setback standards cannot be more than four feet for rear and side yards</li> </ul>   |
| Location          | <ul style="list-style-type: none"> <li>● SB 9 have the following location restrictions: <ul style="list-style-type: none"> <li>○ Development must be located in single-family zones</li> <li>○ Can't be located in historic districts</li> <li>○ Can't be located in high fire zone areas</li> <li>○ Can't be located in areas designated for conservation of protected species</li> </ul> </li> </ul>  |
| Parcel/Lot Size   | <ul style="list-style-type: none"> <li>● Parcels/lots must be a minimum of 2,400 square feet</li> <li>● Lot splits can undergo 50/50 or 40/60 splits</li> </ul>   |

Source: City of Los Angeles

## Figure D1: California Constituents in Support and Opposition of SB 9

### Constituents in support of SB 9:

SB 9 Supporters:

AARP

Abundant Housing LA

ADU Task Force East Bay

All Home

American Planning Association, California Chapter

Bay Area Council

Bridge Housing Corporation

Cal Asian Chamber of Commerce

California Apartment Association

California Asian Pacific Chamber of Commerce

California Association of Realtors

California Building Industry Association

California Chamber of Commerce

California Hispanic Chamber of Commerce

California YIMBY

Casita Coalition

Central Valley Urban Institute

Chan Zuckerberg Initiative

Circulate San Diego

Cities of Alameda, Oakland, San Diego

Council Member Jon Wizard, City of Seaside

Council Member Zach Hilton, City of Gilroy

Council of Infill Builders

County of Monterey

East Bay for Everyone

Eden Housing

Facebook, INC.

Fathers and Families of San Joaquin

Fieldstead and Company, INC.

Generation Housing

Greenbelt Alliance

Habitat for Humanity California

Hello Housing

Hollywood Chamber of Commerce

Housing Action Coalition

Inland Empire Regional Chamber of Commerce

Innercity Struggle

League of Women Voters of California

LISC San Diego

Livable Sunnyvale

Local Government Commission

Long Beach YIMBY

Los Angeles Business Council

Los Feliz Neighborhood Council

Mayor Darrell Steinberg, City of Sacramento

Midpen Housing

Midpen Housing Corporation

Modular Building Institute

Mountain View YIMBY

National Association of Hispanic Real Estate Professionals

Natural Resources Defense Council

Non-profit Housing Association of Northern California

North Bay Leadership Council

Northern Neighbors

Orange County Business Council

Palo Alto Forward

Peninsula for Everyone

People for Housing - Orange County

Pierre Charles General Construction

Plus Home Housing Solutions

San Diego Housing Commission

San Diego Regional Chamber of Commerce

San Fernando Valley YIMBY

San Francisco Bay Area Planning and Research Association

San Francisco YIMBY

Sand Hill Property Company  
Santa Barbara Women's Political Committee  
Santa Cruz YIMBY  
Schneider Electric  
Share Sonoma County  
Silicon Valley @ Home  
Silicon Valley Leadership Group  
South Bay YIMBY  
South Pasadena Residents for Responsible  
Growth  
Streets for People Bay Area  
TechEquity Collaborative  
Tent Makers

Terner Center for Housing Innovation at the  
University of California, Berkeley  
The Greater Oxnard Organization of  
Democrats  
The Two Hundred  
TMG Partners  
United Way of Greater Los Angeles  
Urban Environmentalists  
YIMBY Action  
YIMBY Democrats of San Diego County  
Zillow Group  
94 Individuals

**Constituents in opposition of SB 9:**

Adams Hill Neighborhood Association  
Aids Healthcare Foundation  
Alameda Citizens Task Force  
Albany Neighbors United  
Berkeley Associated Neighbors Against  
Non-affordable Housing  
Brentwood Homeowners Association  
Burton Valley Neighborhoods Group  
California Alliance of Local Electeds  
California Cities for Local Control  
California Contract Cities Association  
Catalysts  
Cities Association of Santa Clara County  
Citizens Preserving Venice  
Coalition for San Francisco Neighborhoods  
Coalition to Save Ocean Beach  
College Street Neighborhood Group  
College Terrace Residents Association  
Committee to Save the Hollywoodland  
Specific Plan  
Community Associations Institute - California  
Legislative Action Committee  
Comstock Hills Homeowners Association  
Culver City Neighbors United

D4ward  
Durand Ridge United  
Encinitas Neighbors Coalition  
Friends of Sutro Park  
Grayburn Avenue Block Club  
Hidden Hill Community Association  
Hills 2000 Friends of The Hills  
Hollywood Knolls Community Club  
Hollywoodland Homeowners Association  
Howard Jarvis Taxpayers Association  
Kensington Property Owners Association  
LA Brea Hancock Homeowners Association  
Lafayette Homeowners Council  
Lakewood Village Neighborhood Association  
Las Virgenes-Malibu Council of Governments  
Latino Alliance for Community Engagement  
League of California Cities  
League of California Cities Central Valley  
Division  
Linda Vista-Annandale Association  
Livable California  
Livable Pasadena  
Los Altos Residents

Los Angeles County Division, League of California Cities  
 Los Feliz Improvement Association  
 Marin County Council of Mayors and Councilmembers  
 Menlo Park United Neighbors  
 Miracle Mile Residential Association  
 Miraloma Park Improvement Club  
 Mission Street Neighbors  
 Montecito Association  
 Mountain View United Neighbors  
 Neighborhood Council Sustainability Alliance Trees Committee  
 North of Montana Association  
 Northeast Neighbors of Santa Monica  
 Pacific Palisades Community Council  
 Planning Association for The Richmond  
 Riviera Homeowners Association  
 San Gabriel Valley Council of Governments  
 Save Lafayette  
 Seaside Neighborhood Association  
 Shadow Hills Property Owners Association  
 Sherman Oaks Homeowners Association  
 South Bay Cities Council of Governments  
 South Bay Residents for Responsible Development  
 South Shores Community Association  
 Southwood Homeowners Association

Sunnyvale United Neighbors  
 Sunset-Parkside Education and Action Committee  
 Sustainable Tamalmonite  
 Tahoe Donner Association  
 Temecula Valley Neighborhood Coalition  
 Towns of Apple Valley, Colma, Fairfax, Los Altos Hills, Mammoth Lakes, Ross, Truckee, Woodside  
 Tri-Valley Cities of Dublin, Livermore, Pleasanton, San Ramon, and Town of Danville  
 United Neighbors of Assembly District 24  
 United Neighbors of Senate District 13  
 Ventura Council of Governments  
 Verdugo Woodlands West Homeowners Association  
 West Pasadena Residents' Association  
 West Torrance Homeowners Association  
 West Wood Highlands Neighborhood Association  
 Westside Regional Alliance of Councils  
 Westwood Hills Property Owners Association  
 Westwood Homeowners Association  
 Wilshire Montana Neighborhood Coalition  
 Windsor Square Association  
 290 Individuals

**Cities in opposition of SB 9**

|               |               |            |
|---------------|---------------|------------|
| Anderson      | Bakersfield   | Bradbury   |
| Antioch       | Barstow       | Brentwood  |
| Apple Valley  | Bell          | Buellton   |
| Arcadia       | Bellflower    | Buena Park |
| Arcata        | Belmont       | Burbank    |
| Arroyo Grande | Benicia       | Burlingame |
| Artesia       | Beverly Hills | Calabasas  |
| Atascadero    | Big Bear Lake | Calimesa   |
| Azusa         | Blythe        | Camarillo  |

Carlsbad  
Carson  
Ceres  
Cerritos  
Chino Hills  
Chino  
Chowchilla  
Citrus Heights  
Claremont  
Clayton  
Clearlake  
Clovis  
Colma  
Colton  
Commerce  
Concord  
Corona  
Coronado  
Costa Mesa  
Crescent City  
Cypress  
Dana Point  
Danville  
Diamond Bar  
Dinuba  
Dorris  
Downey  
Duarte  
Dublin  
Eastvale  
El Segundo  
El Centro  
Elk Grove  
Escalon  
Fairfax  
Fillmore  
Folsom  
Fontana  
Fortuna  
Foster City

Fountain Valley  
Fremont  
Gardena  
Garden Grove  
Goleta  
Glendale  
Glendora  
Grand Terrace  
Grass Valley  
Gustine  
Hemet  
Hesperia  
Hidden Hills  
Hillsborough  
Hughson  
Imperial  
Indian Wells  
Industry  
Inglewood  
Irvine  
Irwindale  
Kerman  
King City  
La Canada Flintridge  
La Habra Heights  
La Mirada  
La Palma  
La Quinta  
La Verne  
Lafayette  
Laguna Beach  
Laguna Hills  
Laguna Niguel  
Lake Elsinore  
Lake Forest  
Lakeport  
Lakewood  
Lancaster  
Larkspur  
Lathrop

Lawndale  
Lemon Grove  
Lincoln  
Loma Linda  
Lomita  
Lompoc  
Los Alamitos  
Los Altos  
Los Altos Hills  
Los Angeles  
Los Banos  
Lynwood  
Malibu  
Mammoth Lakes  
Manhattan Beach  
Martinez  
Maywood  
Menifee  
Merced  
Millbrae  
Milpitas  
Mission Viejo  
Modesto  
Monrovia  
Montclair  
Montebello  
Monterey  
Monterey Park  
Monte Sereno  
Moorpark  
Moraga  
Morro Bay  
Murrieta  
Newman  
Newark  
Newport Beach  
Norco  
Norwalk  
Novato  
Oakdale

|                        |                       |                  |
|------------------------|-----------------------|------------------|
| Oakley                 | Rolling Hills Estates | South Pasadena   |
| Oceanside              | Ross                  | Stockton         |
| Ojai                   | Roseville             | Sunnyvale        |
| Ontario                | Rosemead              | Taft             |
| Orange                 | San Buenaventura      | Tehachapi        |
| Orinda                 | San Clemente          | Temecula         |
| Oxnard                 | San Dimas             | Temple City      |
| Palos Verdes Estates   | San Fernando          | Thousand Oaks    |
| Paramount              | San Gabriel           | Torrance         |
| Pacifica               | San Jacinto           | Tracy            |
| Pasadena               | San Luis Obispo       | Tustin           |
| Pico Rivera            | San Marcos            | Truckee          |
| Pinole                 | San Marino            | Union City       |
| Pismo Beach            | San Rafael            | Upland           |
| Placentia              | Santa Clarita         | Vacaville        |
| Pleasant Hill          | Santa Fe Springs      | Vallejo          |
| Pleasanton             | Santa Maria           | Villa Park       |
| Point Arena            | Santa Monica          | Vista            |
| Pomona                 | Santa Paula           | Walnut           |
| Poway                  | Santee                | Walnut Creek     |
| Rancho Cucamonga       | Saratoga              | Waterford        |
| Rancho Palos Verdes    | Scotts Valley         | Watsonville      |
| Rancho Santa Margarita | Seal Beach            | West Covina      |
| Redding                | Shafter               | Westlake Village |
| Redondo Beach          | Shasta Lake           | Whittier         |
| Ripon                  | Signal Hill           | Wildomar         |
| Riverbank              | Simi Valley           | Woodside         |
| Riverside              | Solana Beach          | Yorba Linda      |
| Rocklin                | Solvang               | Yuba City        |
| Rohnert Park           | South Gate            | Yucca Valley     |
| Rolling Hills          | South Lake Tahoe      | Yucaipa          |

Sources: State of California, California League of Cities